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ART. I. — *Documents from the Department of War, accompanying the President's Message to Congress, at the Commencement of the Third Session of the Twenty-Seventh Congress.* 1842. 8vo. pp. 354.

MILITARY education has been regarded by all nations, whether barbarous or civilized, as an important measure of national policy. Although science in the management of armies and the conduct of battles was displayed by the great generals of antiquity, whether leading hordes from the desert or at the head of disciplined soldiers, yet the camp was the only school where the elements of military knowledge were taught. Early education was directed rather to the development of physical power and the cultivation of patriotic sentiments, than to the acquisition of scientific principles which could be afterwards practically used. But when liberty was destroyed by the lust of conquest, when mercenaries were employed by the state, and citizenship ceased to be required of a soldier, when the ranks of the army were recruited from the refuse of the people, and war, although "improved into an art, was degraded into a trade," patriotism was no longer an essential element of military education.

The invention of gunpowder, by revolutionizing war, produced a greater change in the military education of youth. Physical strength was of little avail against invisible messengers of death. Armor encumbered, instead of defending, the wearer. Battles were gained more by skill and less by



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courage. Strategy took the place of personal daring. Science, brought to the attack of a fortified place, calculates to a day the period of its reduction, and renders a parallel to the siege of Troy, of Veii, or of Numantia, impossible in modern times. Positions are more important than numbers; and although the larger will always overcome the smaller force where the disparity is great, yet the campaigns of the mighty captain, who "chained to his biography the history of Europe," demonstrate that the power of mind, whether original as the inspiration of genius, or acquired through the instrumentality of education, does more for the success of military operations, than the magnitude of an army, the perfection of its appointments, or the valor of the troops.

The superiority of science was amply shown during the seventeenth century, in the campaigns of Turenne, and by the exploits of Marlborough in the commencement, and the achievements of Frederic in the middle, of the eighteenth century; and war was even then elevated from the rank of an art to the dignity of a science. The necessity of early scientific education was not, however, fully comprehended. Although George the Second, in 1741, had founded the Royal Military College at Woolwich, and elementary schools existed also in France, Russia, and Austria, they had acquired no practical importance. The subject did not receive the attention it deserved until the French Revolution had desolated Europe, — until nations began to tremble for their independent existence, and the propagandism of France shook to its base every throne on the continent. During that period, the Polytechnic School was erected, military colleges were founded in England, and this country, urged by the recommendations of its great men and the experience of its Revolution, established the national institution at West Point.

This institution has lately been the object of much censure, and the tenor of the objections advanced against it shows that its character is misunderstood. We believe the existence of this Academy to be essential to the national safety and honor, and that it deserves the cordial support of the American people. Believing, also, that opposition will cease when accurate information concerning it shall be generally diffused, we propose to give a statement of its interior organization and management, in greater detail than has hitherto appeared in print.

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A Cadet is a warrant officer of the army, holding a rank intermediate between the highest class of non-commissioned officers and the lowest class of subalterns. The students at the Military Academy are, therefore, a corps of United States officers, subject to the orders of the President, like other members of the army. The engineers are stationed at West Point, which is a military post, and, together with certain professors and teachers appointed by law, they constitute the Academy. The Cadets are a part of the Engineer Corps, the commandant of which is the Inspector of the School. The Superintendent is appointed from this corps, and no officer, except the inspector, can command at the post but as his subordinate.

The Military Academy is not merely a college, from which, as from other institutions, a student can withdraw at his option. It is a military post, to which warrant officers are ordered at the discretion of the President, to receive practical and scientific military instruction. The Cadets may, at any period, be detached from this post to perform services of any other nature, at any other place. Like all officers or soldiers, they are bound to perform the duty required of them so long as the President chooses to require it. Upon entering the army as Cadets, they sign an enlistment and take the oath of allegiance like common soldiers, their period of enlistment being eight years instead of five. They receive a pay of twenty-eight dollars per month, and are subjected to the Army Regulations, to the Rules and Articles of War, and to trial and punishment by a garrison or general court-martial. When dismissed, they are "dismissed from the *service* of the United States," and, upon graduating, they are *promoted* to a higher rank. Although resignations are seldom refused, neither a Cadet nor a commissioned officer has any absolute right to be discharged. The engagement of the former to serve for eight years, therefore, imposes upon him no greater obligation to remain in the service, than if he had received a commission instead of a warrant. It may, however, deter those from joining the Academy, who do not intend to adopt the profession of arms, and, by rendering discreditable an attempt to violate their original contract, cause them to remain in the service longer than was formerly the case.

The number of Cadets is limited by a late law to one for

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each Congressional District and Territory, and ten to be taken at large, making about two hundred and forty in all. Warrants are conferred by the President, on nomination by the Secretary of War. Candidates are presented to the Secretary by the members of Congress, who make their selections from the applicants in their districts according to their own principles. Those nominated at large are appointed without reference to their place of residence, and thus the sons of persons who, being in the employment of the government, have no fixed domicile, are enabled to enjoy the benefits of the Academy.

Candidates are ordered to repair to West Point and report themselves to the Superintendent, between the 1st and 20th of June in each year. They are there quartered in the barracks, instructed in the school of the soldier, and those branches of knowledge required for admission, which are very few, being only the rudiments of an indifferent English education. They must be at least sixteen years old, and not over twenty-one, not less than five feet high, and must not be deformed, nor afflicted with any disease or infirmity which would render them unfit for military service. Any boy of three years' standing in any public school of Massachusetts is qualified, in point of information, to enter the Military Academy. Though some individuals from the Atlantic States have received warrants after a successful and distinguished collegiate course, yet the character of the institution is so popular and democratic, that instances are not infrequent, where the necessary arithmetical knowledge is almost wholly gained in the two or three weeks of preliminary instruction. Some of the brightest ornaments of the Academy were rejected upon their first attempts to enter, and finally succeeded only by close application, during the time of encampment, in qualifying themselves to pass an examination in September, which is sometimes allowed.

The organization of the corps is two-fold, having separate objects in view. In reference to instruction, the Cadets are divided into four classes. The class corresponding to the freshmen in a college is called the Fourth; the graduating members, corresponding to the seniors, form the First class. Each class is divided into a convenient number of sections, according to the ascertained order of their merit, the divisions being distinct for different subjects of study.

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The military character of the corps is that of an infantry battalion of four companies. A commissioned officer of the army, styled "Commandant of Cadets," assisted by four Lieutenants, is charged with the internal police and discipline of the corps. Each company has its complement of officers permanently appointed from the Cadets themselves. These appointments are conferred by the Superintendent upon those who have been most active and soldierlike in the performance of their duties, and most exemplary in their deportment, but without reference to merit in studies. The Captains and Lieutenants are usually selected from the First, the Sergeants from the Second, and the Corporals from the Third class. The Fourth, and those of the other classes who have not received appointments, constitute the rank and file. Strict military etiquette is observed towards these officers by the other Cadets on duty, and they exercise an important influence in the discipline of the school.

Upon all occasions, when the corps, or a portion of it, is under arms, the officers perform the usual military services. The Captains and Lieutenants serve their *tours* of guard according to the Army Regulations. The officer of the day has the particular supervision and command of the guard, is present at parades and roll-calls for military purposes during his *tour*, and takes the names of absentees, and is responsible for public property deposited in the guard-room. Each company and its quarters are under the instruction of an Assistant Instructer of Tactics, being divided into subdivisions intrusted to the immediate care of a Cadet officer, who is at all times responsible for the preservation of good order. Each room is in charge of one of its inmates, styled the "*orderly*," who is answerable to the superintendent of his subdivision. For the purposes of meals, the battalion is arranged into squads corresponding to the number of tables. The "squad marcher" is generally a Cadet officer, who acts as carver, and is charged with the preservation of order at his particular table. The highest Cadet Captain, assisted by one or more subordinates, is superintendent of the mess hall. He conducts the battalion to and from meals, preserves order in the hall, and enforces observance of the mess regulations.

Upon the faithfulness of these officers much of the discipline depends, and the degree of faithfulness is proportioned

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to the military spirit of the corps. Their duties are strictly defined; and undue exercise of authority, or a captious, domineering manner, is restrained by what may be termed the public opinion of the corps. But in so large a body of young men, there will always be some who cannot appreciate the necessity of observing minute regulations, and others who continually violate them from carelessness or design. The Cadet officers are, therefore, necessarily brought at times into collision with their companions, and compelled by occasional violations of prescribed rules, or accidental departures from established etiquette, to neglect their duty, or to report a friend or a messmate.

These effects of the system have induced some to think that one Cadet should not be required to inform against another. The Board of Visiters, whose report at the June examination of the last year will be found amongst the documents placed at the head of this article, in reference to this subject use the following language.

"The duty of supervising and reporting upon the conduct of equals and associates is at once difficult and invidious; and were it possible to hope that youthful virtue would not sometimes yield to the pressing temptations which must beset it, there might still be reason to doubt, whether the most exact and rigorous fulfilment of such a duty can be favorable to the character, either of him who reports, or of those who are reported."

That some plausible objections may be urged against the system is not denied. The experience of more than thirty years, however, has proved it, on the whole, to be highly advantageous. The organization of the corps as a battalion could not otherwise be maintained, nor could the students acquire a practical knowledge of discipline; by which is understood method and order in performing whatever is required of a soldier. The system also offers great inducements to correct deportment, and raises to a high standard the military spirit of the corps. The Cadet officers never act as spies. Treacherous information would be despised, and no instances of it have ever occurred. When not on duty, there is no distinction between the officers and the other Cadets; at other times, the distinction is well understood and properly maintained.

The studies pursued at the Academy are, for the most

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part, scientific. General literature, the languages, except French, *belles lettres*, and the classics form no part of the course. Some misapprehension has existed on this subject, and a detailed account may therefore be interesting.

The course may be considered under three heads ; the first relating to military affairs, the second to scientific, and the third to miscellaneous subjects. The first division comprehends infantry tactics and military police, artillery tactics, the theory and practice of gunnery, pyrotechny, including the actual manufacture of all the different fireworks and combustible materials used in war, fencing, and horsemanship. The second division comprehends mathematics, including algebra, geometry, trigonometry, mensuration, descriptive geometry and the applications of it, analytical geometry, and the differential and integral calculus. It also embraces chemistry, mineralogy and geology, natural and experimental philosophy, including statics, dynamics, hydrostatics, hydrodynamics, the phenomena of magnetism, electro-magnetism, and light, with the construction and use of the instruments necessary to illustrate their principles, and a very minute course of astronomy. Engineering and the science of war are taught, comprehending such a course of civil engineering as to form an admirable basis for the education of a professional man in constructing common roads, railroads, canals, bridges, and harbours. Permanent and field fortification, the composition and organization of armies, castrametation, and the principles of strategy, are also thoroughly taught. The third division includes instruction in the French language, drawing, English grammar, rhetoric, logic, geography, modern and ancient history, moral philosophy, and political science.

This extensive course is well learned by every graduate. The time allotted for study and recitation is never more than ten, nor less than nine, hours every day from September to June. Some individuals, wishing by any sacrifice to meet the demands of the institution, have devoted to study a much longer time, encroaching even upon the period assigned for sleep. This severe application occasionally injures the health ; but methodical habits, temperate living, and regular exercise generally remedy the evil.

The method of instruction adopted at the Academy is peculiar and well calculated to make the students familiar

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with the whole course. In those subjects relating to military affairs, the instruction is almost entirely practical. Immediately after the annual June examination, the Cadets go into camp, where they remain until the 28th of August. The camp is a school of practice, there being no recitations during its continuance, except upon a few military subjects by the first class. From the 15th of March to the 1st of November of every year, there is one drill, and during the time of encampment there are several drills, every day. Recitations in tactics are confined to the first class, but the continual performance of manœuvres renders each Cadet so well acquainted with them, that long before he graduates he is competent to instruct a battalion, and could as easily forget his alphabet, at any period of his life, as the evolutions and words of command of infantry tactics.

The Academic year is divided into two terms, the first extending from September to January, the second from January to June. During these two periods, the Cadets study the subjects named under the second and third heads. In mathematics, philosophy, and engineering, the instruction is proportioned to the capacity of the students in the different sections, the more profound and difficult investigations being reserved for the higher sections. Each department has its chief, who is charged with the general direction of the class in that department. Every instructer keeps a daily memorandum of the progress of his pupils and of their relative merit. At the end of the week, he makes a report to the head of his department, who returns it, with that of the section under his immediate care, to the Superintendent. From the weekly class-reports a consolidated report of progress during the month is made up and forwarded to the Inspector, who transmits an abstract of it to the parent or guardian of each Cadet. The weekly reports show the character of every recitation during the week. Each Cadet is required to give such explanations at the black-board as to satisfy the instructer that the lesson is understood, as well as committed to memory. A number indicating the merit of the recitation is affixed to the pupil's name according to a designated scale. The sum of his marks determines his comparative and absolute standing for the week. Should he fall below the required standard, he is transferred to a lower section; and should he rise

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above it, he is promoted to a higher one ; but no transfers are made from class to class, except in regular progression, or by turning those who appear deficient into the class below. At the end of each term, there is an examination, at which the attainments of every Cadet undergo an elaborate, searching, and severe investigation. From his appearance upon these occasions, connected with the recorded results of his daily recitations, his relative merit is determined in the different branches of the course.

At the first January examination after the new Cadets enter, their probation terminates. Those who pass it satisfactorily receive their warrants. Those who have failed to make due proficiency, or whose general conduct is unsatisfactory, are recommended for discharge. If a Cadet fail to pass a good examination in June, he is "found deficient" and not permitted to proceed with his class. If his deficiency be attributable to incapacity or inattention, he is discharged ; otherwise, he is allowed to make a second attempt in the class which overtakes him. A second failure insures his discharge. At this examination, the names of the Cadets are arranged in the order of "aggregate merit," as determined for each from his merit in the various subjects of study. This roll is published, and the names of the first five of each class are reported to the Department of War for insertion in the Army Register, with a statement of the studies in which they excel. At the end of the course, the graduating class receive diplomas signed by the Academic Board. Their names are presented to the Secretary of War, with recommendations for commissions in the army. In reference to their promotion, the class is divided into three sections. Those in the first, only, are deemed competent to perform the duties of military engineers, and are recommended for any corps they may select. Those in the second division may select any corps, except that of the military engineers ; and those in the third, are confined to the infantry and dragoons. The relative rank of the graduates corresponds with their standing on the merit roll. Should there be no vacancy in the corps selected, they are attached to it with brevets of second lieutenants.

To the method of instruction, uniting the schemes of the school and of the university, the success of the Academy is chiefly owing. It is the great fault of most colleges, that the



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students individually receive but slight attention. Explanations directed to produce a perfect comprehension of the lesson, and adapted to the capacity of each individual, are seldom, if ever, bestowed. Difficult parts of a course are often slighted, and such a superficial knowledge acquired of the subjects, as to render a diploma no certain criterion of knowledge. At West Point, the reputation of each instructer depends upon the success of his section. Each pupil undergoes a daily examination, and does not go through a merely formal recitation. Great pains are bestowed to make him understand, as well as recollect, what he studies. Every Cadet who passes from one class to another has sufficiently proved that he is acquainted with the course. A diploma from the Military Academy affords conclusive evidence, that the owner of it, when he graduated, had a thorough knowledge of every thing taught in the institution.

During term time, only about two hours a day, with Saturday afternoon, are allowed for recreation. In camp, nearly all the time not occupied with military duties is thus employed. The class about commencing their third year are allowed furloughs from the end of the examination to the last of August, if their demerit for the preceding year does not exceed 150. The hotel, which is freely visited on obtaining leave, affords the principal source of amusement. Fifteen years since, West Point having no public house was a place of comparatively little resort, and the corps resided there in almost total seclusion. The hotel has produced a great and beneficial change upon the character of the Cadets, by affording them the advantage of cultivated and refined female society. This intercourse relieves the monotony of military duty, and has changed the summer from a period of wearisome idleness to one of rational amusement. It has improved the manners, enlarged the ideas, and elevated the *morale* of the students very perceptibly to those whose experience, twenty years since, enables them to judge of the effects of the opposite system, which then prevailed. Recreation, however, is never suffered to interfere with the punctilious performance of duties. A young lady is not unfrequently surprised to see her partner abruptly quit her side, and hasten, at the beat of drum, to answer to his name at the roll-call.

Discipline is maintained by a system of punishments, not

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severe, but rigidly enforced. They consist of privation of recreation, extra *tours* of guard, reprimands, arrests, or confinement to room or tent, which are inflicted by the Superintendent or with his approbation; confinement in the light or dark prison, inflicted by the sentence of a garrison court-martial; and dismission, with the privilege of resigning, or public dismission, by sentence of a general court-martial. Besides the less severe punishments, every offence brings with it consequences, which, like the pangs of remorse, are felt by the offender through his future life, — its effects upon his final standing in his class. This subject has been entirely misunderstood, and justice to the Academy requires that it should be minutely explained.

Every offence against standing regulations, occasional orders, or what may be called the military common law, such as violations of etiquette or unsoldierly behaviour, is reported to the Commandant. If the offender cannot satisfactorily excuse himself, the report is registered against him. Offences are divided into seven classes, each one comprehending those of equal magnitude and represented by a number. In the first year, *ten* stands for the highest and *one* for the lowest degree of "criminality." For each succeeding year, the rate is increased by adding one-sixth for the second, one-third for the third, and one-half for the fourth year. The total demerit is indicated by "the sum of the products of the number of offences of each class, by the number which expresses the criminality of one offence of that class." If this sum is more than 200, the offender is deficient in conduct and is recommended for discharge. At the June examination, the demerit of each graduate, during his whole Academic term, connected with his merit in the different subjects of study, is considered in determining his standing. Thorough knowledge of the course, alone, does not secure to a Cadet the highest rank in his class. His general behaviour sensibly affects his final success. He is urged by its great and permanent influence to render, during his Academic career, that conscientious and scrupulous obedience which is the basis of a military character.

The conduct roll has been appealed to by the enemies of the Academy, as proving the conduct of the corps to be very bad. A little reflection will show that the accusation is entirely unjust. The offences registered on this roll im-

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ply no moral delinquency. Carelessness and inattention, which elsewhere are considered as unimportant, are faults in the Military Academy. Literal, implicit, unhesitating obedience is inculcated as the first obligation of a soldier, and such strict regard is required to every demand of discipline, that, if it were exacted in a college, it would raise a rebellion. The Cadet who appears in slovenly costume on military duty commits a breach of military propriety. Habitual negligence in small matters of a similar nature, indicated by a demerit of 200, shows him to be unfit for a service which requires attention to the *minutiæ* of discipline, and freedom from the disgrace of immorality. Yet his conduct might exhibit no serious fault, and might be consistent with the highest moral qualities. The conduct roll is the index principally of small offences. It shows not "criminality," which is far too strong a term, but delinquency. It registers not *mala in se*, but *mala prohibita*. The young man whose conduct is of the worst description is generally free from those vices which characterize some institutions. He is punished for faults unnoticed in a college, but properly censurable in a military school. The report of an offence is thus, in itself, a serious punishment, which no other penalty inflicted on the offender is allowed to mitigate. He always undergoes a double, and sometimes a treble penalty for one transgression. Of this system the board observe :

"A benignant influence would be applied to the minds of these young men, if they could be made to feel, when they have once offended, that contrition and amendment will secure oblivion for the past, and that their ultimate standing, when they leave the Academy and enter on life, will not be fatally or very injuriously affected by the delinquencies of their earlier and more inexperienced years." . . . . . "It is believed, that a system of moral and even military training will prove salutary and powerful, in proportion as the more generous sentiments of our nature are enlisted in its support, and the animating influence of hope and love substituted for the chilling effects of fear."

In this opinion we concur. The system of punishments is altogether too severe. One penalty for a fault is everywhere else considered sufficient. If a specific punishment is inflicted, the offence ought not to affect the future standing of the offender. Only those gross violations of military discipline, which indicate a radical defect in military spirit,

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ought to carry with them such lasting consequences. If, however, experience has proved that such a punishment is the most effectual in maintaining subordination, then specific penalties ought never to be inflicted, except in extreme cases, to produce reformation. To sentence a young man to half a dozen extra *tours* of guard in camp, where he is obliged to walk post eight hours out of the twenty-four, once in every five days, in the ordinary performance of his duty, and, after proclaiming his bad conduct first to his parents, and then to the world, to degrade him in his class beside, is pursuing small offences with a degree of severity unheard-of in any other civil or military code.

A general view of the discipline presents many features peculiar to this Academy, arising from its military character. Its severity is apparent from the foregoing account. In whatever situation a Cadet is placed, he is observed by some superior. If he is on military duty, he is watched by military officers, from the colonel to the corporal; if at meals, the supervision extends from the commandant of the mess hall to the carver at the table; if in his room, from the Superintendent to a sentinel, from the officer of the day to the orderly; if at recitation, from the Professor to the section marcher. Under such close inspection, every violation of orders must be known to some one whose duty is to report it. Military deportment being every where required, it insensibly becomes a fixed habit; and strict attention to regulations is enforced by the certain consequences of detected delinquencies.

The most remarkable effect of the system appears in the natural emulation which it excites. A commission in the Engineers is the greatest reward which the Academy offers, because the duties of this corps are the most scientific, and a member of it is qualified for one of the best professions in the country. The energies of the ablest students, in each class, are therefore exerted to the utmost to secure it. The Engineers consist of only forty-three officers, all but one having graduated at West Point with the first honors. Although the higher officers left the Academy many years since, when the course of instruction was far less extensive, and the standard of merit much lower, than at present, they have established an enviable reputation for theoretical and practical acquirements. The more recent graduates were

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commissioned after four years of assiduous and successful application to an extensive course of scientific studies, with a profound knowledge of the subjects taught, and a remarkable aptitude for making further acquisitions under the direction of their distinguished superiors. It seldom happens that more than one out of a class receives a commission in this corps, and the most distinguished student is sometimes endowed with a rare union of intellect and industry, which enables him to place competition at defiance. But, generally, the difference in the capacities of the first five is small, and they strive for superiority with their whole mental and physical power. The desire of standing high upon the published roll is more or less operative upon the rest of the class, according to personal ambition. Those who are lowest strain every nerve to attain the prescribed minimum of merit, that they may not be overtaken by the class below them; for it is a peculiar feature in the government of the Academy, that no one is allowed to proceed with his class, who has not attained a certain standard of merit. The army requires not only those who are willing, but those who have proved themselves able, to perform its duties. As several are annually dropped from the roll, every Cadet is thus compelled to put forth his whole strength, not merely to save his distance, but to obtain the best standing which his abilities permit; for he foresees its important influence on his future life. These incentives produce such extreme anxiety, that at the June examination, when the standing for the year is determined, students have been known to faint.

The repeated scrutiny to which each class is subjected secures to the army an annual accession of able men, whose merit has been tested. Every graduate possesses an intimate knowledge of the required studies, and has acquired a habit of application and perseverance highly valuable, whatever may be his future occupations. Severe intellectual labor sometimes depresses the youthful spirit, but permanent injury is never produced. The strength of constitution, the habits of thought, and general character, there acquired, are ample compensation for temporary inconvenience, and place this school much above any other in the country.

Such is the organization of the Military Academy. In the extent of its course of instruction, and the thoroughness

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with which it is pursued, it surpasses the English military institutions, and at least equals, if it does not excel, the Polytechnic School at Paris. The slight requisitions for admission, in a country where education is so generally diffused, place it within the reach of the humblest applicant, and form a contrast with the exclusiveness of the French institution, which requires of candidates a large amount of mathematical knowledge.

The objections against the Academy are not formidable, when candidly considered. We shall briefly allude to the most prominent, especially noticing those advanced in New-England. It has been said, that the Military Academy is unnecessary; but a little reflection will show that this assertion is founded in error. The efficiency of an army depends upon the ability of its officers. Mere courage, though patriotism may elevate it to enthusiasm, can seldom, in modern times, win a battle or reduce a fort. War has become a science of much detail, requiring a knowledge of many other sciences, before it can be successfully conducted. Even the small army on the peace establishment of the United States is divided into several corps, each having its own arrangement and charged with its own duties. The single arm of Military Engineering demands an amount of information, which it is the labor of a life to acquire. A knowledge of the French and German languages is required, that the engineer may have ready access to the great repositories of military learning. The large and elaborate drawings of the various works on our seacoast show the necessity of mathematical acquirements. Chemistry, mineralogy, and geology are employed in the selection, preservation, and manufacture of materials; while the science and skill required advantageously to choose the site and determine the form of the structure, the number, power, and position of its arms, are not appreciated by those who perceive in a fortification only a mass of irregular stone-walls, with a multitude of heavy guns frowning from their summits, and a labyrinth of curious arches, which any mason appears competent to construct. To a certain point, military knowledge is the same for all branches of military service; but every department demands, both in peace and war, a kind of learning peculiar to itself. The point of separation is where theory ceases and practice begins. Unless this

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country shall become non-combatant in principle, as well as peaceful in policy, and therefore discharge its troops and raze its fortifications, it must always maintain some armed force, so organized, that, on sudden emergencies, it may be quickly and effectively increased. Officers educated for the service, with information and practical skill beyond the power of civilians to attain, must be ready, when circumstances require, to discipline citizens into soldiers, to direct and execute combined operations, and to perform the numberless practical details devolving upon the various corps of a large and active force. Experience has amply demonstrated, that militia cannot be relied upon against a disciplined enemy. The histories of the Revolution and the Late War show, that this force is wasteful and insubordinate in quarters, timorous and uncertain in the field. The volunteer companies in this part of the country are, it is true, for the most part, well armed and drilled. They present, on occasional parades, such a martial appearance, their equipments are so perfect, and their spirit so abundant, that we are apt to imagine that such well-trained corps would be as formidable in war as they are magnificent in peace. The commanders, generally, understand perfectly the school of the soldier, of the company, and even of the battalion; but their daily habits do not permit them to acquire further knowledge. A company is seldom manœuvred by itself, and even less frequently in connexion with others. Infantry, cavalry, and artillery are never exercised together, nor is the relation of these different arms to each other in the "real business of fighting," practically taught. Acquaintance with evolutions is only a small part of what an officer requires in actual service. The knowledge needed can be obtained only by long study and continued application.

The design of the Military Academy is, to supply the army with men practically and theoretically educated to perform all the duties of its several arms. Such is the sole end of the course of studies. Nothing is taught unconnected with that object. Graduates occasionally become civil engineers, or professors in colleges. Their education qualifies them honorably and usefully to fill such stations; but these are merely incidental results. The Academy is maintained only to insure the efficiency of the army in the ability of its officers. If it be conceded, that military education is re-

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quired for military men,—and so plain a proposition can hardly be denied, — some institution, where such education may be had, is essential to the country, while the possibility of foreign war exists. When private seminaries shall afford the necessary instruction, it will be time to canvass the expediency of destroying the national school.

Other opponents of the Academy, admitting the necessity of such an institution, assert that its original design is wholly perverted, because very few graduates enter the service. The nation, they say, thus gratuitously instructs young men, who return it no equivalent. That many resign their commissions after leaving the Academy is not denied; but the number of these is somewhat exaggerated. The catalogue, up to July 1st, 1842, registers 1167 graduates, of whom 168 died, and 24 were killed in service; up to January 1st, 1843, 421 had resigned. Of these, 92 had served from ten to twenty-two years, and 229 from two to nine years, before leaving the army. The Florida war, by ruining their health, forced probably more than one hundred officers to abandon the service. Under all these circumstances, less than one half of the graduates have resigned in the forty years during which the Academy has existed. If this proportion be too large, the fault is chargeable to the President, who accepts or refuses resignations according to his views of the interests of the army. The only fair argument to be drawn from the frequency of resignations is, that the Academy furnishes more graduates than are required, an objection easily obviated, by reducing the number of annual appointments. Fairly considered, this frequency of resignations is no evil, but an important advantage. The country does not lose the money it has expended, nor a return for the education it has bestowed, although every graduate does not retain his commission. The true policy of a nation, which depends for defence on troops whose greatest merit is their patriotism, is to diffuse widely a knowledge of military science. This, to some extent, is done, by annually sending from West Point a large number of young men, well grounded in all the knowledge which an officer requires.

For these reasons, Congress has been repeatedly urged to increase the number of military schools. President Madison, in his annual message to the first session of the four-



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teenth Congress, recommended the enlargement of the institution at West Point, and the establishment of others in different sections of the country. At the next session, a bill creating three other schools was introduced and rejected. In 1817, it was proposed to establish one in South Carolina, one at Harper's Ferry, and a third at Newport, Kentucky. In 1820, a motion was made in the House of Representatives, that a National Armory and Military School be established somewhere in the valley of the Mississippi and Ohio rivers, and the preamble to the motion assigned as a reason for it, that the North had an Academy where "a proper number of her sons are taught the military art," and that the disbursement of money for similar purposes would benefit the West. Had these attempts succeeded, perhaps the opposition to the Academy, which commenced in the Western and Southern States, would cease to exist. The Western people are not generally enemies of the Academy. Declamatory speeches are occasionally made against it by members of Congress coming from that quarter; but the bitterness manifested by them arises, in many cases, from their jealousy of the North, and, in several instances, can be distinctly traced to personal motives. He would commit a great mistake, who should suppose that these speeches indicated the state of popular opinion in the West.

The opposite objection is not unfrequently urged. It is said, that too many graduates enter the service; that the Academy *monopolizes* the army; that no one can receive a commission unless he has passed through its ordeal. This objection savors somewhat of that advanced by the French Jacobins against the Polytechnic School, — that republican equality was infringed, by appointing to the public service men qualified to perform the duties. But the fact asserted is not true. Should any citizen elsewhere obtain the knowledge required for becoming an officer, no law prevents him from being commissioned. It is true, that most of the officers are graduates; out of 733 on the last Army Register, 554 were Cadets. But the Academy cannot be said to monopolize appointments in the army, until they have been refused to individuals as well qualified as the graduates. Lieutenants are occasionally commissioned, who have had no preliminary military education; a course which the public interest demands should be of infrequent occurrence.

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An objection of another character has been repeatedly mentioned. In June, 1842, the legislature of Connecticut passed a resolve, that the Academy was "aristocratic and anti-republican," and ought to be abolished, because "a *very large portion* of the Cadets" "are the sons of wealthy and influential men, who, by the interposition of members of Congress, obtain situations in that institution, to the *almost total exclusion* of poor and less influential men, regardless alike of qualifications and merit." In January last, a convention of militia officers advocated the destruction of the Academy for similar reasons, their hostility being excited, probably, by a comparison of the army with the militia officers. Maine recently followed the lead of Connecticut, and, during the last winter, a memorial against the Academy, founded on the same misapprehension of its character, was presented to the legislature of Massachusetts. These movements, indicating an organized opposition, are in imitation of the example set by Tennessee and Ohio, the former having attacked the Academy, on the same grounds, in 1833, and the latter in 1834.

The charge rests upon the truth of certain alleged facts. If all that is asserted is true, we admit the conclusion. The question is, therefore, entirely one of fact, to be decided by evidence. That every young man, who receives an appointment, receives it by the "interposition of a member of Congress," cannot be denied. Such is the mode of selecting candidates; whether good or bad, it is the law, and can be altered when its operation is shown to be injurious. The last clause of the charge is mere declamation. No "qualifications" are required for admission to West Point, except the mere rudiments of an education. It would be difficult to find in New England a boy sixteen years old, whether the son of a rich or a poor man, who does not possess them. It will not be said, that no young men but those ignorant of these rudiments receive appointments; yet if that be not the case, this part of the charge amounts to nothing; for the only "qualifications or merit," which the appointing power has a right to regard, are those required by law.

The allegations to be proved by the opponents of the Academy are reduced, then, to the following; that the sons of rich and influential men *almost totally exclude* the sons of poor and less influential persons.

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We will not stop to ask, whether this accusation is founded on inquiry, or whether it is preferred at random, to excite hostility against the institution in the minds of those who follow their leaders, without troubling themselves to investigate the truth. Nor will we pause to conjecture, whether party fervor may not somewhat have distorted facts, or obscured the judgment, or whether individual disappointment may not lurk at the bottom of these resolutions, and influence be deprecated in one instance, because in another it failed of its object. The Board of Visiters, whose report we have quoted, completely refute this stale charge, by publishing the facts as ascertained by them after official investigation. They observe,

"That apprehensions have been entertained, that the Academy is open rather to the sons of the wealthy and powerful, than to those of all classes of our citizens. Their personal observations, however, and the inquiries they have made as a Board, satisfy them that this impression is without foundation. They have met more than one hundred young men from all parts of the country, who have received appointments within the last year, and who are now awaiting their examination. No person can see them without feeling that they are the sons, in most cases, of the farmers and working men of the country; and several of them are known to the visiters as orphans without property, or as members of families in the humblest circumstances. In order, however, to possess themselves more of the facts which pertain to this question, the board requested detailed information from the Superintendent, in regard to the parentage and pecuniary condition of the present members of the Academy."

Of the whole number of Cadets, it was ascertained, that 56 were the sons of farmers, 3 of planters, 14 of mechanics, 5 of boarding-house or inn keepers, 12 of physicians, 27 of lawyers or judges, 19 of officers in the army, navy, or other public employments, 4 of clergymen, and 18 of merchants; 20 had no parents living, and 22 were fatherless. Of these, 182 "are represented as being in indigent, reduced, or moderate circumstances"; and "the families of 144 reside in the country."

Many plans have been suggested to remedy admitted evils in the mode of selection, but none are satisfactory. It may sometimes happen, that young men receive warrants by the

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influence of political management. Were this universally the case, we perceive in it no just reason for destroying the Academy. The vast patronage of government in all its departments is more or less devoted to political purposes. This great evil, debasing individual morality, and destroying the national character, demands immediate correction; but it affords no argument against the custom-house, the post-office, or the navy, nor against the existence of a national school. If officers were commissioned from the ordinary walks of life, instead of coming from the Academy, the same corrupt influences might control the appointments. The mode of selection has its benefits as well as its evils. Members of Congress can select candidates with more regard to circumstances, than if the choice were vested, as formerly, in a central power removed from immediate connexion with the people. The facts given above show that this is a practical advantage.

It is said by many, who think a Military Academy useful and even necessary, that the institution at West Point is a mere engine of political influence. They affirm, that many more appointments are annually conferred than the service requires; and therefore each class must be reduced during its Academic term, to prevent an undue number from graduating. To effect the reduction, the discipline is made inordinately severe, and the standard of excellence placed at a point unattainable, except by extraordinary talents. It is more than intimated, that this standard varies for different classes, according to their size. Many young men, it is said, are thus sacrificed for political causes. They receive appointments under the delusive hope, that industry and attention will enable them to graduate; when it is well known, that one half must be turned away under any circumstances, and thus disgraced for no fault but that of failing to reach a fanciful perfection. This charge is supposed to derive support from the fact, that less than one half of those who are appointed Cadets receive commissions as lieutenants. The class which entered in 1837 numbered 82 on its first roll in 1838, of whom 52 graduated. Six of these were turned back from the preceding class, and thus only 46 of the original class were commissioned. That which entered in 1838 numbered 85 on its first roll in 1839, of whom 56 graduated; two entered in 1837, leaving

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54 of the original class. These reductions are alleged to be the predetermined effects of appointing many more than necessity requires.

We have never seen this charge supported by evidence, and can answer it only by a direct denial. The standard which every Cadet is required to attain, although high, is fixed. It is not arbitrarily altered to reduce a graduating class to the usual average. During the six years ending in June, 1842, the proportion discharged varied from 21 to 45 per cent. The class of 1841 furnished twenty-six, and that of 1842 thirty-nine, supernumerary lieutenants, or that number more than the service required when they graduated. These facts, with the uniformity of the average of discharges, remarkable when the character of the entering members is considered, tend strongly to prove, that the standard of merit is kept as near the same mark, for each year, as can reasonably be expected.

We cannot admit, that the standard is unreasonably high. Every Cadet knows, when he enters, that he has before him a task of no small magnitude, in order to meet the requisitions of the Academy. If his friends have overrated his abilities, they can only blame themselves. All that he has a right to demand is, that he shall be impartially judged. The history of the institution, the experience of every one connected with it, and many interesting facts which we must omit from want of space, prove conclusively, that neither political nor personal influence, neither station, birth, nor wealth, has any power to elevate or degrade him; but that capacity and good conduct are the only requisites for success, and are sure to obtain it. All public education, as a measure of policy, has in view the public, and not individual, advantage for its first object; and the Military Academy is specially intended to raise the character and maintain the efficiency of an essential branch of the national service. The institution is supported entirely at the public expense. No young man is asked to receive a warrant; on the contrary, the applications for appointments, each year, are many more than can be granted. The Government offers to every graduate a provision for life in an honorable profession, and is therefore fully justified in exacting remarkable ability and attainments; for, the greater the reward, the greater should be the price paid for it. The greatest ability which the

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country can produce is reasonably to be expected from each graduating class; and we should rather increase than diminish the appointments, preserving the same average number of graduates, so that, by offering a wider field of choice, the qualifications of those who are annually commissioned in the army may be rendered greater than they now are.

Whether the advantages of the Academy, as some suppose, are purchased at too high a cost, depends upon the value attached to military education. The appropriation for 1842 was $133,641. From this amount, $26,382 must be deducted, being the sum paid to officers on duty at West Point, to which they are entitled, independently of the School. If the whole appropriation was used, the expense for 1842 was $107,259, or about $427 for each Cadet. Of this sum, $338 are for his pay and subsistence, $12 for his proportion of incidental charges, and $77 for his instruction. Considering the extent of the course, the thoroughness with which it is learned, and the object of the Academy, the cost is insignificant.

In a fit of economy, the last Congress withheld the customary appropriation of $2,000 for the Board of Visiters, which is hereafter to be discontinued, unless specially ordered. This Board has had, for more than twenty years, the character of a popular committee. It has consisted of gentlemen of all occupations and professions, from every part of the country, annually invited by the Secretary of War to make "a full and free investigation of the military and scientific instruction of the Cadets, and of the internal police, discipline, and fiscal concerns of the institution;" for which purpose every facility is afforded by the superintendent. They are requested to "communicate the result of their observations, with any suggestions for the improvement of the Academy," to the Department of War. Their annual reports have been very useful, in furnishing the only authentic and official account of the institution ever published, and in thus diffusing accurate, and sometimes detailed, information respecting its affairs. It is true, that the "suggestions for *improvement*" have been very various, and often whimsical; but generally the recommendations were valuable, and received attention. The greatest benefit resulting from this annual committee is the individual in-

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fluence of its members in dispelling much unfounded prejudice. They were usually men of ability and consideration, and they acquired, in the course of their investigations, a minute acquaintance with the details of the school. The information thus gained was widely disseminated, and did much to "disarm the assaults of the ignorant." We regret the discontinuance of the Board, and concur with that last appointed, in believing, that nothing "can be a more effectual means of guarding the institution from abuse, and retaining public support, than the method now pursued of throwing it open annually to the most rigid inspection, and of inviting suggestions in regard to its welfare and improvement." *

We intended to say a few words upon the constitutional objections to the Academy, which, although generally abandoned, are sometimes zealously urged. The account of the institution which we have given shows, we think, that such objections have no solid basis. Any one, desirous of learning what they are, will find them mentioned, and completely refuted, in an able article on the Military Academy, published in the American Quarterly Review, for September, 1837. We will only observe, in conclusion, that if the people of the United States desire for their army educated officers; if they would not again, as in the war of the Revolution, depend upon foreign assistance, or, as in the Last War, rush into conflict without preparation; if they would employ their countrymen, instead of foreigners, to plan and construct their forts; if they have pride in the scientific as well as the literary reputation of the country, they will cherish with affectionate regard the only scientific institution the country affords, — an institution which Washington repeatedly recommended, which Adams founded, which was encouraged by Jefferson, enlarged by Madison, improved by Monroe, and which Jackson once saved from destruction; which has demonstrated its value by its practical results, and which derives such support from authority, character, and experience, as should commend it to the cordial regard of every patriotic American.

* At the last session of Congress, $ 40,000 were appropriated for the purpose of erecting new barracks; those formerly in use having become more uncomfortable than the cells of most State prisons.

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ART. II. — *Report by* MR. J. P. KENNEDY, *from the Committee on Commerce. Read and laid upon the Table in the House of Representatives, May 28th*, 1842. Twenty-seventh Congress, Second Session. 8vo. pp. 63.

THERE are few themes which afford a more copious subject for remark and self-gratulation to the men of the present day than the increased facilities of transportation upon the land, and the extent to which the principal powers of the earth have pushed their adventures upon the sea. In view of the latter, it seems scarcely credible, that, until the middle of the fifteenth century, no mariner of Europe had dared to lose sight of his own coast; but such is the record of history. The change has been wonderful, indeed. "Go where I will," says the Briton, "my country's flag has preceded me"; and "go where *I* will," says the American, "that of *my* country is no stranger." These flags are now worn by five millions of tons of merchant ships, and a half million of tons of armed ones; but on the accession of queen Elizabeth, the whole marine of England did not exceed that recently owned at the commercial capital of her colony of New Brunswick; while at the close of her reign, the new world did not possess a single vessel, nor a single seaman of the Saxon race.

Whatever the advance of the English shipping interest may have been during the reigns of James, and of his ill-fated son Charles, the task devolved upon Cromwell to place it on a broad and lasting basis. This he accomplished by the Navigation Act. Those who blame as well as those who admire the Protector, unite in praise of his genius, and in the opinion that this sagacious law is a monument worthy of his fame. That he alone devised it, none, as far as we know, attempt to show. The two rival claimants are St. John and Downing. The evidence adduced in favor of the latter is strong, if not convincing. But it is by no means certain, that its conception belongs to either, though the act could hardly have found a place upon the statute-book, without the determined support of both.* Sir George Downing was an

* Those who desire to pursue the inquiry as to the origin of this measure, without the toil of consulting original authorities, will find some inter-



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inhabitant of Salem, and a member of the first class that graduated at Harvard University.

Whatever his character may have been, it is admitted on all hands, that his talents were great, and that his influence with Cromwell, after he removed from America, was controlling. At most, New England owes his memory nothing but silence. But her strong men of the revolutionary era regarded it with utter detestation. His *name* was identified with a measure, which, whether he designed it so or not, wronged his native country, until she acquired strength to resist and overturn it. It is affirmed by some, that the aim of Cromwell, in passing the Navigation Act, was "empire," and not "commerce." Even if it were so, — if "empire" was the end sought, his vision could have seen no means so certain as "commerce" whereby to attain it. But whatever were the motives of this extraordinary man, and whatever the secret or avowed purposes of those who shared in his counsels, something to relieve the distresses and encourage the growth of English navigation was indispensable. The Dutch crowded the ports of England and of the world, while English vessels decayed in idleness. *To compel the merchants to import and to export in ships of the realm* was a measure that promised all that was desired, and such was the leading object of the Navigation Act. The scheme was simple, comprehensive, and magnificent. But the sending away of domestic, and the bringing home of foreign, products in English bottoms, navigated by Englishmen, were not to be accomplished by a mere declaration upon parchment. The merchants opposed the plan, because it required them to adjust the machinery of their business anew; and the Dutch opposed it, because, if carried out, their supremacy upon the sea would come to an end. In a word, few "experiments" encountered more obstacles; few have succeeded so well.*

esting matter relating to it in Tudor's Life of Otis, page 75. There is also an elaborate and very able article, which maintains the pretensions of Sir George Downing, in Hunt's Magazine, Vol. 4, page 393, from the pen of the Rev. Charles W. Upham. Bancroft differs from the opinions expressed by Tudor, and from the argument of Upham, inasmuch as he ascribes the Navigation Act to St. John.

* In 1660, the amount of British tonnage is said to have been only 95,256. In 1774, it was 1,136,262. In 1660, British commerce is said also to have employed *four tons of foreign, to one of national ships*; but in 1750, it employed *twelve* tons of British, to *one* ton of foreign. M'Culloch dissents from the opinion defended in the text, doubting whether the Navigation Act has had the influence ascribed to it in promoting the growth of British shipping.

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But success was obtained only after fierce contentions and desolating wars. In our day, the adoption of a new policy, or the opening of some untried channel of trade, gives an instantaneous impulse to commerce, and increases the number of ships with astonishing rapidity. Such, however, were not the immediate effects of the Navigation Act. At the Restoration, when its great principle was adopted and reënacted by Charles, though the revenue from imports exceeded two millions of dollars, the Dutch fishermen nearly excluded those of England from their own waters; while the Dutch merchantmen retained a large share of the trade of Europe, India, South America, and even of our own country. But at the close of the century, we find the revenue from imports nearly doubled, and the amount of English tonnage very considerable. Still, the whole mercantile marine of the kingdom did not much exceed that now owned in the city of Boston; while it fell short, by a third, of that now belonging to the city of New York; was only about four times as great as that of the district of Bath in Maine, and less than five times larger than that of Portland in the same State.

But to trace the progress of the navigation of England, from era to era, until we reach the present time, when it amounts nearly to three millions of tons, forms no part of our purpose. Our sole aim is, to show the effects of her commercial bearing towards us — whether as her colonies, or a sovereignty like herself; and to consider our own commercial policy, and the condition of the great interests which it designs to protect. And we remark at the outset, that the British Navigation Act and the Laws of Trade, which were a part of the system it was meant to enforce, contained the germs of the American Revolution. The Stamp Act and other measures of a kindred nature have been made, we think, to occupy too prominent a place among the causes assigned for that event. The irritation which the duties on stamps excited in the planting colonies subsided as soon as the law which imposed them was repealed; and we submit that, but for the policy which oppressed the commerce and inhibited the use of the water-falls of New England, the "dispute" between the mother and her children would have been "left," as Washington breathed a wish that it might be, "to posterity to determine."

While Cromwell lived, colonial trade was free; but after

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his death, New England soon felt the difference between a Puritan and a Stuart. The duties of poundage and tonnage were first imposed, and upon the creation of a board of commissioners of Trade and Plantations in 1671, measures were adopted to restrain and regulate American commerce, which already extended to the principal countries of Europe. To enforce obedience, however, by mere instructions to the governors, when the people were so distant and so ill disposed to yield it, was impossible; though it seems that Governor Winslow, of Plymouth Colony, was considered "a loyal gentleman," and he expressed his dislike of the "carriage" of the Boston people, for their "daily breach of the laws concerning trade and navigation," and for "trading with, and encouraging all nations to trade with them." Upon the complaints of the merchants and manufacturers of England, that these laws continued to be disregarded, the governors of the colonies were again, in 1676, enjoined to enforce them; while, to subdue the refractory spirit of New England, it was determined that Mediterranean "passes," to protect her vessels from the Turks, should be withheld until she humbled herself, and until it was seen, whether "the custom-house officers were received" there in as kindly a manner as elsewhere.

The year 1679 is memorable as being the period when Edward Randolph landed at Boston, commissioned to be the first collector, surveyor, and searcher of Massachusetts and the other maritime colonies of the north. He was treated with aversion and contempt. The next year after his arrival, he wrote to the king, that "the Bostoneers," as he called them, disregarded as much as ever the acts which were designed to bridle their commerce; "whereby," said he, "your majesty is damnified in the customs one hundred thousand pounds sterling yearly, and the kingdom much more." Bradstreet replied to this and other falsehoods; averring, upon this point, that there had "never been five thousand pounds irregularly traded by the merchants of Boston in a year." That Randolph knew he uttered base lies, both then and afterwards, seems undeniable. But what was truth — what were the interests — of the people who earned their bread in storms, compared with the favor of *that* Stuart, whose own dislike towards them needed no stimulant, no obsequious slave, to urge him to perfect the ruin of every

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branch of their industry. Charles and his vile official soon brought matters to a crisis, and the latter held in his hand the *quo warranto* of his master, wherewith to vacate the charter of Massachusetts, just a century before the severance of the Colonies from the British empire was accomplished. Whatever other causes may have concurred, in the progress of time, to produce this event, it is certain, that the disputes between the crown and the merchants and ship-owners of New England were commenced thus early; and that they were continued, with but few intermissions, until the vessels of America went out upon the ocean under a new flag.

The accession of James the Second was proclaimed in Boston "with sorrowful and affected pomp." Bent upon carrying out the purposes of his brother, he found a willing instrument in Sir Edmund Andros, whom he commissioned as governor of New England, with directions *to permit no printing press*, and "to execute the laws of trade, and prevent frauds in customs." The attempts of Andros to enforce obedience to his instructions, his imposition of a new duty on imported merchandise, and his other oppressive acts, soon became too grievous to be borne. And the popular outbreak which they excited, which overturned his government and cast him and his advisers into prison, was, in great part, merely an effort of "the Bostoneers" to release their ships and goods from the thraldom of the Navigation Act and its kindred statutes.*

Whatever were the benefits to America of the English revolution of 1688, none accrued to the interests under consideration. Massachusetts, it is true, obtained a new charter; but Phips, her new governor, though born and bred

* Sir Edmund Andros was governor of New York *before* the period of which we are now speaking, and of Virginia *subsequently;* and as he gave good satisfaction in both colonies, it may be fairly inferred, that the people of Massachusetts were "*stiff-necked*" and hard to govern. This impression derives strength from the fact, that other colonial governors, who administered affairs as Andros did, both at the north and south, met with similar success in the one region, and similar difficulties in the other. Such was the case with Jonathan Belcher, who was appointed to the executive chair of New Hampshire and Massachusetts in 1730, and became so unpopular that he was compelled to vacate it. He afterwards assumed the government of New Jersey, passed the remainder of his days in that colony, and was held in high esteem. Sir Francis Bernard also was governor of New Jersey, where he made himself "very acceptable," and of Massachusetts, where he became so odious, that the General Court petitioned the king to remove him.

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among the mariners of her eastern coast, had a short and unquiet administration. To his quarrel with the Collector of Boston he owed the loss of his station, and to his indiscretions generally we may attribute the introduction of a new means of oppression, in the establishment of a court of admiralty. Nor was this all. In 1696, King William organized a new Board for the supervision of colonial affairs; and, prominent in their instructions to the colonial governors was the charge, to transmit punctually "the accounts of the collectors of the customs and naval officers." So, too, by an act of parliament of the same year, all ships trading to or from colonial ports were required to be British or colonial built, and all goods which they carried to be British or colonial property. And, as if there were not enough of parental "care" manifested in this law, it was further enacted, that vessels from the Colonies, which should be unladen in Scotland or Ireland without first having been discharged in England, and paying the duties on their cargoes, should be forfeited.

Of attempts to bind down the energies of a people, whose homes were upon a sterile soil, and who — to use one of their own expressive phrases — "must subsist *somehow*," it would seem, that there had been quite enough, for a while at least, to satisfy their most anxious mother. But as a new century opens, we find that the endeavors of the northern colonies to cover their bleak hills with flocks furnished another cause for parental solicitude, which was evinced by the statutory declaration, that they should export their wool and their manufactures of it only at the hazard of incurring the loss of the ship employed, the goods found, and five hundred pounds in money besides. An act followed, in 1732, forbidding the sending to foreign countries, by land or water carriage of any hats made in the Colonies, and fixing the number of apprentices that master hatters might employ; while, in 1750, colonial iron-mills and forges had become so offensive to the nostrils of the English iron-mongers, that a law was passed declaring them to be "*nuisances*," and as such to be "*abated*." It may be, that this extreme "care" of the six furnaces and nineteen forges then possessed by New England was necessary; but as England was unable to furnish for export, as far down as the year 1767, more than eleven thousand tons of iron annually,

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Americans of the present day can imagine some little excuse for the very grave offence of making at home what could hardly be procured abroad.

Prior, however, to this memorable chiding of northern waywardness, the commercial prospects of Massachusetts were darkened, in 1733, by the passage of a bill which, had the revenue-officers been able to enforce it, would have driven her vessels from the fishing-grounds, and carried distress to every family on her seaboard. We allude to the "Sugar Act," adopted to hush the clamors of the planters in the British West Indies; and which imposed heavy, even prohibitory, duties on sugar, molasses, and rum, coming into the Colonies from islands or possessions other than British. It was only because this law could not be executed, that Massachusetts did not lose at a blow the extensive trade she was pursuing with the French and Spanish islands; where she bartered away her inferior kinds of fish, that were wanted nowhere else, but the sale of which, in one way or another, was indispensable; because a market for good and bad qualities was necessary both for the continued prosecution of the fisheries, and for preserving the trade with Europe.

If during the irritations at which we have barely glanced, there had been any regulations of the crown or enactments of parliament to offend the planters of the south, there had been none to check their industry. Towards the colonies that sold raw produce, the policy of the mother country had been mild, perhaps liberal. They were the Round-heads, and not the Cavaliers, who met her upon the ocean and in the work-shop; hence, it was to them that she showed the more odious features of the Colonial System.

The year 1761, to which we now come, was filled with events of momentous consequence. We find the merchants of Boston and Salem deeply exasperated by recent attempts, under fresh and peremptory orders, to exact strict observance of the laws of navigation and trade; and, by a pretension just set up, to enter and search places suspected of containing smuggled goods. To submit to this pretension was to surrender the quiet of their homes and the order of their ware-houses to the underlings of the government, and the property which they held to the rapacity of informers, whose gains would be in proportion to their wickedness. They

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withstood it, therefore, before the high court of Massachusetts, and before the imposing presence of five judges in wigs, bands, and robes of scarlet cloth, and the several other officials of the times. James Otis threw up an honorable and profitable station under the crown, because he would not oppose — and in order that he might espouse — their cause, and thus became the first champion of the Revolution. For it was while Otis argued against granting "writs of assistance" to the officers of the customs, said John Adams, that "*the child Independence was born.*" *

We open next upon a scene of tumults and wild commotions, the prelude of open war. The nine years which preceded the "Boston massacre" were crowded with acts, which show what strength the popular wrath had attained. The revision of the "Sugar Act," and the efforts to carry out its new provisions, aided, as the revenue-officers now were, by ships of war and an increase of their own corps, carried consternation to every fire-side in Massachusetts. Then came the seizure, and rescue, and re-seizure of some molasses on the Taunton river; the resolution to stop the importation of British merchandise; the bringing to of ships and tumbling the cargoes overboard all along the coast; the seizure and condemnation of one ship with her cargo of French wines, and of another from Holland; the suits in admiralty against the merchants who traded to the French and Spanish islands, for the old offences of compounding duties with the officers,— for entering the molasses of these islands as of the growth of Anquilla, and for smuggling it outright; the appeal of the ship-owners to the ministry to be released from the harpies that robbed them of their goods, and made prize of their vessels; the landing of a cargo of wines under

* Among those whom a kind Providence raised up to achieve American freedom, and of whom the American people know too little, is James Otis. Tudor's Life of him should be in the hands of every school-boy in our land. Otis wore himself out, body and mind, in the great and glorious cause of emancipating our country; and yet how few, comparatively, know any thing of him, — of his deeds, his speeches, his pecuniary sacrifices, his ruined health, his shattered reason, and the sublime death which was vouchsafed to him. In England, there were times in his career when he was held in the utmost detestation. Thus, it was said of him, that he was "the president, mouth, and trumpeter, and alarm-bell of all North American malevolence and fury," that "by his *ipse dixit* he passed, and with his own hands recorded, and by his own authority published, the resolves against mustard, muffs, tippets, and French cambric."

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the guard of men armed with bludgeons; the seizure of Hancock's goods and the vessel that brought them; the driving of the collector and comptroller of the customs on board of a man-of-war, and within the walls of "Castle William"; the dragging of a revenue-boat through the streets, and the burning of it on the "Common"; the mobs that demanded the resignation of one inspector, stripped, tarred, and feathered another, and that broke windows, demolished furniture, and destroyed buildings. Of the affray in "King street" itself, it may be remarked, that the killing of the boy, who hooted at, and dogged the footsteps of the land-waiter and informer, was its precursor; that it was not the less bloody, because the sentry stationed at the custom-house was pelted by the mob, and lost none of its consequence with the multitude afterwards, on account of the story that the occupants of this house fired on the people.

Nor, in alluding to these manifestations of feeling, ought we to omit to mention, that, in the higher ranks, the common courtesies of life were suspended, — that permission to give a dinner in the usual place for public festivals had been refused to the governor, unless he would consent to dispense with the presence at table of the higher officers of the customs; and that the officer in command of the British troops had violated common decency and decorum by quartering common soldiers and camp women in the legislative halls of the Colony. Better far to have followed the example of Virginia, where Washington dined and rode out with the royal governor, and attended a ball given to his lady, full four years after the latest of the occurrences of which we have yet spoken! *

Another step in the controversy, and we stand beside the "tea ships." We have no space for the discussion of a question so pregnant of consequences, but we must enter a qualified dissent from the common view of it. We con-

* We learn from Washington's journal, that he continued on terms of friendly intercourse with Lord Dunmore until after the Boston Port Bill went into operation, June 1774; but so different was the feeling in Massachusetts, that the ladies of the citizens opposed to the course of the ministry had refused, years before, to mingle in dances and social visits with the officers of the crown; and so great was the fear of insult to the persons of those who attended a ball given by Mrs. Gambier (wife of the commander of the naval forces on the station), at Concert Hall, in 1771, that soldiers were employed as a guard.



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sider that it was partially a question of commerce; some look upon it as one of "taxation" entirely. There is very fair reason to believe, that "three pence the pound duty" was resisted as much from the apprehended loss of the colonial tea trade with the Dutch — carried on in contravention of the laws of navigation and trade — as from any other cause. The value of the tea consumed in all the Colonies was set at three hundred thousand pounds sterling, annually. The English East India company, backed by the ministry, grasped at a monopoly of the supply; and the change of policy which *reduced* the duty from a shilling to three pence would have enabled them to obtain it; inasmuch as their tea could then be afforded at as low a price as the smuggled, and was considered better.* It is said, that the alarm was first sounded by the English merchants who sent tea to the colonial traders not concerned in the illicit trade; but however this may be, it is very certain, that they incited resistance in the colonies to a plan which threatened to deprive them of a valuable business. As a punishment for the destruction of the tea in Boston, that port was shut up, and its commerce thus struck down at a blow. Lord North's infamous measure of cutting off the fisheries,† which were then the very life-blood of New England, soon followed the passage of the Boston Port Bill, and was the crowning act of the policy which we have rapidly noticed. When the tidings that no vessels could now enter or leave the harbor of the capital of the North spread through the land, the cry that "Boston is suffering in a cause which henceforth interests all America" rose spontaneously. Public meetings were held in all parts of the country. People met in the open air, in churches, and court-houses, to express their horror of the oppressors, and their sympathy

* The quantities of tea, which at times were illicitly imported into the Colonies from Holland, were very great. Pennsylvania, New York, and Massachusetts were the principal marts. For a while, the risk of seizure was small, and it is said, that for three years, not one chest in five hundred of that landed in Boston fell into the hands of the officers of the customs. Tea then came in packages nearly four times as large as the largest-sized "chests" of the present day; a chest was estimated at three hundred and forty pounds' weight.

† The protest against this measure of Lord North's, by the minority of the House of Lords, is one of the most eloquent and withering rebukes of the course of the ministry, that is to be found in the archives of the Revolution. It was in opposing this Newfoundland fishing-bill, that Fox made his first great speech, and made known his vast powers.

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with the oppressed. We have examined the proceedings of no less than sixty-seven of these meetings, of which twenty-seven were held in Virginia, and all but one in places south of New England. The words we have just used mark the feelings manifested in all these assemblies, while many expressed them in almost the very terms. The day that the Port Bill went into operation was one of gloom and sadness every where. The Virginia House of Burgesses devoted it to fasting, humiliation, and prayer; and the predictions, on both sides of the Atlantic, that it would produce a general confederation, and end in a general revolt were of rapid fulfilment.

The course of some of the British statesmen, at the period at which we have now arrived, has been much lauded. We have heard much, for instance, of Lord Chatham's friendliness to the colonies, and of the warm zeal he manifested in their behalf; but we know not whence such opinions are derived. True, he opposed Lord North, with all the might of his great intellect, and all the fire of his surpassing eloquence; and his speeches on American affairs will continue to be read, and to thrill the human frame, in all coming time. But what then? No man did, no man could, say more in defence of the principles of the Colonial system than Lord Chatham. It was he who stood up in his place and declared, that the very Colonies, which were suffering so much from the measures of Lord North, "*had no right to manufacture even a nail for a horse-shoe*"! Could he wonder, therefore, that when America no longer dreaded the French in Canada, when, indeed, the sympathies of France set in her favor, — when she had acquired strength, and the political condition of England and of all Europe was favorable for a trial of it, — that Nathaniel Green, the Warwick blacksmith, should peril his life to acquire for his countrymen the right to use an anvil? Or how could he wonder, that George Taylor should become a "signer" of the great instrument, which would change his own and all other American furnaces and forges from "*abatable nuisances*" into structures worthy of care and protection? And again; why should he, why should any person, charge upon the administration, which he warred against so fiercely, *all* the causes of threatened disruption of the empire, when the rapacious spirit of England's monopolists had been crying "Give,

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give"! for a hundred years; when the same spirit had been expressed in twenty-nine solemn acts of her parliament; and when her commercial policy had become so barbarous, that an American merchant must evade a law in order to give a sick neighbor an orange or a cordial of European origin, or else obtain them legally, loaded with the time, risk, and expense of a voyage from the place of growth or manufacture to England, and thence to his own ware-house? Nay, more; how long could he, or Burke, or Fox, have supposed, that American ship-owners and ship-masters would submit to a statute, which, when their vessels were wrecked on the coast of Ireland, did not permit the landing of their cargoes on the shore where they lay, but required that they should be sent to England, and then, if originally destined for, or wanted in, the Irish market, an English vessel might carry them thither, and pass the stranded vessel to land them, perhaps, for consumption? And yet, said Lord Chatham, "our legislative power over the colonies is sovereign and supreme"; "they owe obedience to our ordinances of trade, and navigation;" and "were I an American, I would recognise to England her supreme right of regulating commerce and navigation." If, therefore, we see, or fancy that we see, in his awful rebukes of the minister with whom Fox, his co-worker, did not refuse to join, something of the common, far too common, course pursued by the *outs* against the *ins*, such of our readers as dissent from our opinion, must pardon us for stating it.*

Still, there is a force in the reasoning — and the United States felt its full strength after the peace of '83, and while under the Confederacy — which requires that all maritime affairs should be placed under the control of one supreme head. This principle was so obvious as to have been generally admitted in the Colonies; and yet — how indeed could it have been otherwise? — every application of it was a

* It is not improbable, we think, that had Lord Chatham been in power when Lord North was, he would have pursued a course not entirely unlike that of that minister. Those familiar with his career will remember the following sentiments expressed by him to Dr. Franklin during the "old French war," as it is called, or the struggle which resulted in wresting from France her remaining American domains. "When the war is closed," said Chatham, "if I should be in the ministry, I will take measures to prevent the Colonies from having a power to refuse or delay the supplies which may be wanted for national purposes."

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grievance. The subtle distinction set up between "internal and external taxation," we confess our inability to comprehend; inasmuch as we can perceive no difference in theory or fact, between demanding postage on a letter, and exacting a duty on the "*paper*" on which it is written; between the "*stamp*" duty on a ship's manifest and clearance, and an impost duty on the "*painter's colors*" spread on her sides, the "*glass*" of her cabin-windows, and the "*sugar*," "*molasses*," "*wine*," and "*tea*," laden under deck. A difference, however, was made, though no one appears to have defined it, or to have considered what it was. Washington could not determine, precisely, where the authority of England ceased, and where her invasion of the rights of America began; and a question which his sound judgment failed to solve — as statesmen then reasoned — could be adjusted only by war. Colonies become nations, as surely as boys become men. This law of nature has now liberated nearly the whole of our continent, and the lesson is taught, we hope, that fire and sword will stay its operation nowhere else.

As we conclude our remarks on this topic, we ask to be fully understood. We have overlooked many of the events which produced alienation and final separation between the mother country and her Thirteen Colonies, because our subject does not require us to notice them. And New England generally, and her capital especially, have been prominent in our narrative, simply because northern interests suffered first and longest; and because, in speaking of the commercial disputes, the part of the country where they principally occurred demanded our chief attention. While, then, we have not pretended to ascertain or state the relative agency of the North and the South in effecting the severance of the British empire, we must still insist, that these disputes accelerated it, and were among its most potent causes. New England did her whole duty, and that is enough. Merchants and ship-masters did their share also.

A full account of colonial navigation and trade might now claim our attention, but we can give them no more than a word. Though New York, at the present day, is the seat of our foreign commerce, and, in point of tonnage, second probably only to London in the whole world; Boston, at the time of which we now write, owned and em-

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ployed more shipping than any other port on the continent, and imported a greater amount of merchandise than any place in British America, unless it were Jamaica the then depot of goods intended for the supply of the Spanish colonial markets. The commerce of Massachusetts shot out from her fisheries, and they continued to be its main support until after the adoption of the present form of our national government. Her coasts had become famed for "the wealth of seas" years before the Pilgrims came to "their wilderness home"; and they — the exiled ones — turned their attention to the fisheries from the earliest hour of their arrival. The energy and zeal of the "fiery" Hugh Peters, minister of Salem, who returned to England, took part with Cromwell, and was executed by Charles the Second, gave to this branch of industry, and to ship-building and trade generally, a great and enduring impulse. Their increase was so rapid, that by the year 1670, Sir Josiah Child, the great English authority in matters of trade of the seventeenth century, denounced them as "prejudicial" and "dangerous" to the realm. At the time his Discourse on Trade was published, Boston, Charlestown, Salem, and Ipswich were noted for the building of vessels; and according to Randolph, the "Bostoneers" could furnish "good ships" at "foure pounds the tun."

Boston was but a century old, when the maritime business of Massachusetts required six hundred vessels, of thirty-eight thousand tons burden, of which one half made voyages to Europe; and, before 1750, we find that four hundred and thirty vessels entered, and five hundred cleared, at Boston in a single year, beside coasters and fishermen. There entered at Portsmouth, New Hampshire, at the same period, seventy-three vessels; besides a hundred or more employed in coasting and fishing. The excellent harbor of Newport, Rhode Island, gave to that town great maritime importance at a very early time, and by the year 1739, it owned, at least, one hundred vessels. In six years afterwards, New England was supposed to possess one thousand ships, brigs, and schooners, without reckoning a very considerable number of "fishing barks;" and of about twenty-seven thousand tons of shipping built in all the colonies in 1772, more than eighteen thousand tons were launched from the ship-yards of the North. The vessels thus built and em-

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ployed in the ports of New England, be it remarked, were owned, principally, by her own people; while full three fourths of those engaged in carrying off the productions of the South were the property of English merchants, who resided at home, or came to the Colonies only as often as business required their presence. The trade of the planters, therefore, was an object of encouragement, and it was promoted accordingly.*

We find a collector of the customs at Charleston, South Carolina, as soon as 1685; and the arrival of two hundred ships there, and the export of forty thousand "barrels" of rice yearly, as early as 1731. In twelve years more, the cultivation of indigo was introduced into South Carolina, and by 1750, two hundred thousand pounds' weight of that article was exported, and three hundred ships came to that port in a year. Virginia furnished for sale a surplus of seventy thousand hogsheads of tobacco in 1758, and forty-five thousand tons of vessels entered her ports and rivers during 1771. The import and export trade of Maryland required one hundred and thirty ships as soon as 1736, and the tonnage employed in her trade in 1771 was about thirty thousand. In 1760, the infant colony of Georgia loaded thirty-seven ships with produce; while, in twelve years more, the plantations which the noble Oglethorpe founded, and which he lived to see independent of his native land, had so rapidly improved as to employ two hundred and seventeen vessels of various sizes, and to export products of the value of more than half a million of dollars. To sum up colonial commerce as it was when on the eve of interruption from the troubles of the Revolution, we may add, that the trade between Great Britain and America was calculated to need, and to steadily maintain, one thousand and seventy-eight ships, and about twenty-nine thousand seamen; that the Colonies took of the mother country goods worth more than sixteen millions of dollars; and that the Colonies sent off to the different countries with which they had lawful and unlawful trade, merchandise, fish, oil, and products of the soil, of nearly or quite the same value.

* Among these encouragements, we find an act of Parliament, of the year 1706, which granted a large bounty on tar, pitch, rosin, turpentine, and shoes, exported to the mother country; and another law of the same, passed in 1748, which offered a bounty of sixpence the pound on all colonial indigo sent directly from the place of its growth to Great Britain.

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That the trade of the South, which, as we have said, was principally in the hands of English merchants, should have been deemed valuable, and that her great staples should have increased in kinds and quantities, under the fostering care of the parent hand, is by no means surprising. But when we find, that none of the colonies north of Maryland ever had a balance in their favor from their dealings with England, and were often compelled to provide for a heavy amount in money to liquidate the balance against them; and when, too, we consider the oppressive measures which weighed down their maritime pursuits, we can only account for the extent and importance to which these pursuits attained, by remembering that these measures never were, and never could be, rigidly enforced, until fleets and armies were employed for the purpose.*

We resume the consideration of the commercial policy of England as manifested at the period of the war of Independence. At the peace of '83, we had conventions of amity

* The following extract from a letter, dated London, June 12, 1775, gives, we suppose, a pretty accurate view of the state of public feeling with regard to New England, at that period. It will be seen, that the Southern Colonies were still regarded with favor. "The *Bostonians* have been guilty of numberless acts of rebellion, which have no other real foundation than their opinion, that they can resist with success. On the slightest occasion, large bodies of men appear in arms, with the avowed intention of fighting the King's troops. Let them have their humor. In every essential point of view they are the enemies of Great Britain, and their insults must not be forgiven because they are dangerous, — so dangerous, that suppose them defeated, suppose them suing for forgiveness, with all the humility which may be expected from their present insolence, they must not be forgiven; they can never be again entitled to the protection and encouragement of the mother country. Their soil and climate, their growing manufactories of iron and wool, their ship-building, and even their industry, are our natural, our irreconcilable enemies.

"The Colonists must not only be defeated, but, as far as it is in our power, they must be destroyed. This may be done without much carnage, which is so dreaded by us.

"*The steady and inflexible regulations of policy, by which every source of trade or manufactures must be cut off from the Northern Colonies, and every possible encouragement given to settlement in warmer latitudes, can alone effect it. Indigo, rice, rum, sugar, cotton, silk*, and the various productions of the tropics, are commodities *we want, and the habits of life in southern climates will for ever prevent their interfering with our laborious manufactories.* Mutual wants are the true foundations of trade and political friendship, and colonies established without this permanent view, have ever been the ruin of the mother country. We want nothing from the Colony most dangerous to us but provisions and lumber for the islands; and these it will furnish, even were it in a much less cultivated and improved state than it now is." The italics are our own.—*Am. Archives.* II, 961.

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and trade with France, Holland, and Sweden; but our dealings with these powers were so inconsiderable as to render the treaties nearly valueless. All saw, that our intercourse with England must be renewed, and would continue to increase; hence, great anxiety prevailed to place it on an equitable footing. She, however, refused, once and again, to swerve from the principles of her navigation act; and to these refusals we owe principally, if not entirely, that inestimable blessing, the present Constitution of the United States. She could agree to part with her Colonies, and to continue to them the free use of their ancient fishing-grounds; but her spirit of commercial monopoly remained inexorable. The American commissioners, who obtained the treaty of '83, failed in their endeavors to effect a commercial arrangement with her; and a new negotiation, ordered by Congress within ten days of the ratification of that treaty, had no better result. Yet Mr. Pitt, Chancellor of the Exchequer, one of her most gifted and sagacious statesmen, favored a liberal course, and introduced into parliament a bill which, had it passed, would have placed the trade of the two countries, and the intercourse of the United States with the British West Indies, on a satisfactory and permanent foundation. Determined upon a further trial, Congress, in sending John Adams, the first American minister, to the British court, instructed him to make fresh attempts to conclude the convention that was so needful and so much desired. His efforts — and none could have made stronger — were as fruitless as those which had preceded them.

His own comprehensive words, as found in his correspondence with Mr. Jay, the Secretary for Foreign Affairs, will show, far better than any which we can use, his zeal for the interests of his country, and the obstacles that beset him during his mission. Our extracts must be brief, but our readers will judge of their pith. He soon saw how hopeless of success was his errand, and that, to induce terms, the United States would be compelled "*to countervail.*" He was elected by ballot, on the 24th of February, 1785; and on the 10th of June in that year, he wrote, "it is scarcely possible, to calculate to what a height of naval power a navigation act will raise the United States in a few years"; and, on the 26th of the same month, he thus sums up the reasoning of those around him: "*Cui bono?* they cry. *To*



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*what end a treaty of commerce, when we are sure of as much American trade as we have occasion for without it.*" On the 19th of July, he says, that the attachment in England to the old policy in maritime affairs was so strong, that he "despaired of any equal treaty, and therefore of any treaty, until they shall be made to feel the necessity of it." Ten days afterwards, he submitted to the English ministry the draft of a convention, based on principles of fair trade of each country on and with "*all* the coasts and countries" of the other; but so little hope had he of its adoption, that in addressing Mr. Jay, he thus expresses himself: "It is very apparent, that we shall never have a satisfactory arrangement with this country, until Congress shall be made by the States supreme in matters of foreign commerce and treaties of commerce, and until Congress shall have exerted that supremacy with a decent firmness." On the 6th of August, he writes, (after alluding to the different feeling which prevailed when he and Mr. Jay were in England together,) "the boast is, that *our commerce has returned to its old channels, and that it can follow no other*"; and he adds, that "the utmost contempt of our trade is freely expressed in pamphlets, gazettes, coffee-houses, and in common street talk. I wish I could not add to this, the discourses of cabinet counsellors and ministers of state, as well as members of both houses of parliament." In his letter of October 21st, he urges anew the necessity of retaliation, and declares, that "the commerce of America will have no relief, at present, nor in my opinion, *ever*, until the United States shall have generally passed Navigation Acts. If," he continues, "this measure is not adopted, we shall be derided, and the more we suffer, the more will our calamities be laughed at. My earnest exhortations to the States then are, and ought to be, to lose no time in passing such acts." On the 31st of January, Mr. Jay communicated to Congress his approval of Mr. Adams's course, and expressed a conviction, founded on his letters, "that general and full powers to regulate the trade of the United States, both foreign and domestic, should be vested in Congress." But the hour was not yet. Such an event, Mr. Adams congratulated himself, was about to happen, and he had labored to promote it, as we have seen; and in writing on the 16th of May following, he amusingly observes, that as soon as such a power was conferred,

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"you will begin to hear a bray in England for a treaty; like Daniel Defoe's game-cock among the horses' feet, it will be, '*pray, gentlemen, don't let us tread upon one another.*'" June 6th, he says, "if Congress should be empowered to lay taxes upon navigation and commerce, or any thing else, to pay the interest of the money borrowed in Europe, you may borrow what you will. If that is not done, their servants abroad had better be all recalled, and our exports and imports all surrendered to foreign bottoms." Near the close of the year, he informs Mr. Jay, that "there are no symptoms of a more favorable inclination to a treaty"; and, on the 10th of April, 1787, that "the members of parliament have been so long irritated and tormented, that they detest to hear the name of America mentioned, and the political system and national humor seem to be neither to speak nor think of it."

Meanwhile, in the country which Mr. Adams represented, all was confusion. Whoever surveys the scene which America then presented will feel, we think, that the objects sought for by the Revolution had not been attained. We were no longer dependencies of the British crown, it is true; but the labor of no man's hands was secure from vicious legislation at home, or illiberal measures abroad. The whole country was not only poor, but distressed. Civil war menaced one State, and prosperity was to be found within the borders of none. The government of the Confederacy was not only unable to meet the navigation act of England, and establish a just and uniform system of commercial dealing with other nations, but seemed fast hurrying to dissolution. The efforts of individual States to protect their own trade and shipping had been without plan or concert, and consequently wholly futile. Massachusetts, as bold as any, had prohibited the exportation of merchandise of American origin in British bottoms, on pain of forfeiture of vessel and cargo; but, not being sustained, she had been compelled to repeal the law. States that possessed foreign commerce imposed taxes on those that did not; and in these angry collisions, the vessels of some States were treated as alien in others; while Maryland, if not actually excluding all, legislated mainly to benefit her own. Nor were duties on imported merchandise more uniform. In some States, the impost was as low as three per cent; in others

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as high as ten. Virginia had made an impost law, but it had been repealed; and one who shared in her confidence and councils had declared, that he would "crawl to Richmond on his bare knees to prevent its reënactment." The non-importing States were clamorous against those of whom they purchased foreign commodities, for alleged unjust exactions and enormous gains; while debtors would pay nothing, and creditors obtained neither sympathy nor justice by applying to the tribunals.

Such was the condition of those who had stood side by side on many a hard-fought field; when, in January, 1786, Virginia proposed a Convention of delegates from all the States, to consider the crisis and provide for it. Most of the States responded to the call, and elected their delegates; but when the Convention met at Annapolis, Virginia, Delaware, Pennsylvania, New York, and New Jersey were the only ones actually represented. The powers of those who appeared for the first four States extended only to subjects of "trade and commerce"; but the instructions of New Jersey were, to regard "*other important matters*" also. The delegates of these five States did not deem "it advisable to proceed on the business of their mission, under the circumstances of so partial and defective a representation"; and in the report from which these words are taken, they recommended that another convention, composed of representatives from all the States, should be convened on a future day. They favored the instructions of New Jersey to her delegates then present, and urged upon the States to clothe the members of the proposed assembly with the additional powers. They were "the more naturally led to this conclusion," they said, "as, in the course of their reflections on the subject, they have been induced to think that the power of regulating trade is of such comprehensive extent, and will enter so far into the general system of the Federal Government, that to give it efficacy, and to obviate questions and doubts concerning its precise nature and limits, may require a correspondent adjustment of other parts of the Federal system."

Rhode Island feared that she should lose some of the commercial advantages of her position by any change, and refused assent to the proposition from Annapolis;* but dele-

* It would seem, that the affairs of Rhode Island, at this period, were in the hands of bad men. Under their influence, she not only refused to par-

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gates from the remaining States assembled at Philadelphia, in May, 1787, and framed the present Constitution of the United States. To take from the States their power over commercial concerns, and to yield the maritime interests of the country to the guidance of the national government which was now to be formed, appears to have been the general wish of the members of this Convention; but this point conceded, unanimity of opinion ceased. In the plan submitted by Charles Pinckney, it was proposed, to confer upon Congress the power "to regulate commerce with all nations, and among the several States"; but *conditioned*, that "all laws regulating commerce shall require the assent of *two thirds* of the members present in each house." So, too, in the report of the "Committee of Detail," we find, that the same number of votes in both houses, was deemed requisite to pass a "navigation act." A principle so manifestly unjust was opposed; and upon a motion to commit the subject, Mr. Gorham of Massachusetts said, "he desired it to be remembered, that *the Eastern States had no motive to union but a commercial one*"; and significantly added, that "*they were able to protect themselves.*" On a subsequent occasion, when Mr. Pinckney's project of requiring two thirds was before the Convention, that gentleman divided the commercial interests of the United States into five distinct classes; to wit, the fisheries and West India trade of New England, the free trade of New York, the wheat and flour trade of New Jersey and Pennsylvania, the tobacco trade of Maryland, Virginia, and a part of North Carolina, and the rice and indigo trade of South Carolina and Georgia; and he insisted, that a *bare majority* of votes in Congress would prove insufficient to prevent oppressive regulations of these different interests. "The power of regulating commerce," said he, "is a pure con-

ticipate in the doings of this Convention, but remained out of the Union until after the organization of the government under the Constitution which it framed; and until after the Senate had passed a bill, to prevent the introduction into the United States of goods, wares, and merchandise, from her territory. This bill was arrested in the House by a message from the President, which announced the ratification and adoption of the Constitution; and acts of Congress were soon passed, to extend to "Rhode Island and Providence Plantations" the revenue and tonnage laws, for forming collection districts and creating ports of entry, for giving effect to the laws establishing judicial courts, for taking an enumeration of the inhabitants, &c. &c.

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cession on the part of the southern States," and it is for their "true interest, to have *no* regulation of commerce." "The northern and middle States," said Mr. Clymer, who was bred in a counting-house, "will be ruined, if they are not enabled to defend themselves against foreign regulations." "Preferences to American ships," said Gouverneur Morris, "will multiply them, till they can carry the southern produce cheaper than it is now carried" in foreign bottoms. "A navy," continued he, "is essential to the security particularly of the southern States, and can only be had by a navigation act, encouraging American bottoms and seamen. In those points of view, then, alone, it is the interest of the southern States, that navigation acts should be facilitated." "Shipping," he added, "is the worst and most precarious kind of property, and stands most in need of public patronage." "The interest of the southern and eastern States," said Peirce Butler, of the family of the dukes of Ormond, and a delegate from South Carolina, "is as different as the interests of Russia and Turkey." "If," rejoined the inflexible Gorham, "if the government is to be so fettered *as to be unable to relieve the eastern States, what motive can they have to join in it, and thereby tie their own hands from measures which they could otherwise take for themselves?*" And again, he made the declaration, that these States "were not led to strengthen the Union by fear for their own safety."

The adjustment of this important question, while views so dissimilar as these prevailed, was, of course, impossible, and it was finally disposed of by compromise; the north agreeing that the importation of slaves might be continued twenty years, and the south, that only a majority, instead of two thirds, of Congress should be required to regulate the commercial concerns of the Union. Thus then, those who earn their bread on the sea, after struggling for more than a century against the domination of England, were compelled at last to pay a price to their own countrymen, in order to place their pursuits on *an equality* with those of sunnier skies; and thus did they buy the right to be preferred to foreigners as carriers of the surplus productions of the American soil! But even with this arrangement, Virginia, Maryland, and Georgia appear to have been dissatisfied; for some fifteen days afterwards, when the matter had been fairly concluded, they voted for a proposition to

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deprive a majority of Congress of the power to pass "a navigation act," until the twenty years should have expired. There might have been some "good" educed from this "seeming evil," for had Virginia been gratified, our commerce and tonnage would, probably, have continued so small, as to have required neither the "gun-boat" nor "embargo" systems to have *preserved* them; that these measures adorn our history, therefore, may be owing to the perverse spirit of New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, and South Carolina, as far back as September, 1787.

The power over commerce, thus conferred upon the National Government, has been declared by the Court of the United States to be perfect and supreme. That tribunal has decided, that the word "commerce" comprehends navigation as fully as if that very term had been used; that it extends to passenger vessels, as well as to merchant vessels, in ballast or with cargoes; that it applies to vessels propelled by steam, as well as to those which use sails; that it extends to every species of trading intercourse between the United States and foreign powers, and between the several States; that it does not stop at State lines, but can be exercised wherever commercial dealings exist; and that State laws, which tax merchants for selling, or which require licenses for selling their goods by the bale or package, are void; but on the other hand, that it does not reach mercantile transactions begun and ended between individuals residing in the same State, nor interfere with the inspection, health, quarantine, turnpike, and ferry laws of the States.

How has this power been used, and has its exercise had any influence in changing the commercial policy of England? At the time of the meeting of the first Congress, our trade was in a most disastrous condition, both at home and abroad. A ship-owner of Massachusetts, who, since the peace, had sent his vessels to six different countries, quaintly remarked, that if he might "believe good, honest, credible men, America was regarded in the same light by foreign nations as a well-behaved negro is in a gentleman's family." Though the business of the country required, and actually employed, five hundred, or, as some estimated, six hundred thousand tons of navigation, we had of our own only two hundred thousand tons, and of the balance, full three quarters

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were English. England supplied us not only with her own commodities, but with a large proportion of those which we needed from other nations. Nearly all of the southern staples were carried off by English vessels, and of the profits on our imports, which were about eighteen millions, and on our exports, about twenty millions of dollars, a considerable share fell to English merchants, and those employing their capital or enjoying a connexion with them. A free and general trade with the West Indies, whether British, Spanish, French, or Dutch, was indispensable to the preservation of the fisheries, and therefore of the commerce of New England; but in all the islands of the Caribbean sea, one port in St. Lucia, three in Hispaniola, one in Guadaloupe, and one in Martinico, were all that were open to us. In a word, our situation was so similar to that of England when her statesmen devised her navigation act, that our legislators were pointed to its leading features for a remedy. Bills were accordingly introduced, to discriminate between trade carried on in American and foreign vessels.

By these bills, merchandise imported in our own bottoms was to pay ten per cent less duty than when brought in others; and American vessels were to be charged forty-four cents the ton less tonnage duty than those wearing foreign flags.* The discriminating principle, as applied to imports, received the official sanction of Washington on the thirteenth anniversary of our independence; and thus, though "independence was born" in resisting, our commercial freedom was to be made sure by imitating, the navigation act of England. Whatever the opposition, originally, to granting to a majority of Congress the entire control of the trade and navigation of the country, and however objectionable this provision of the Constitution had appeared in the conventions at the south, the proceedings during the sessions of the first Congress, when measures for their protection were before it, afford but slight indications of sectional feeling. Indeed, so little was manifested, that Mr. Madison took occasion to remark, that though there was a diversity of opinion as to the propriety of giving preference to the vessels of our own citizens, "gentlemen from the same State differed as much

* By an act of Congress passed March 27, 1804, a further duty, of 50 cents the ton, was imposed on foreign vessels under the denomination of "Light money."

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as gentlemen from the extremes of the continent." Mr. Jackson, of Georgia, said, that if he could only see American ships enough to carry off our productions, he would not only consent to a discriminating impost, but "to a total prohibition of foreigners"; and when Mr. Madison, the *ultra* of the *ultras*, introduced the proposition, that after a certain day, no foreign vessel belonging to a country not in commercial treaty with the United States should "*be permitted to export from the United States any unmanufactured article, being the growth or produce thereof*," even Massachusetts thought this was going too far, and Mr. Sedgwick rebuked him, declaring that the plan was "an impotent measure of passion, not dictated by the understanding." Such "passion" might have been unnecessary then; but now, when such conflicting opinions prevail among those who profess to wear the mantle, and to carry out the principles, of the "Father of the Constitution," we, who *still* prefer to encourage the American ship-owner rather than the foreigner, may urge that his earliest efforts — when that precious instrument was fresh from its maker's hands — were enlisted in the same cause.

The year of the passage of the discriminating impost and tonnage bills, Washington turned his attention to a commercial arrangement with England; but Gouverneur Morris, to whom he intrusted the duty of conferring with her ministers on the subject, was treated with neglect, and was directed, finally, to close his communications. In 1794, however, Mr. Jay was more fortunate, for in the treaty which bears his name, — and which excited so long and angry a controversy, — provision was made for a free trade between the United States and the British dominions in Europe; for a direct trade between the United States and the British possessions in Asia; and for a limited trade between the United States and the British West Indies. The terms prescribed for our intercourse with the latter were not acceptable to the Senate, and the treaty as ratified rendered them inoperative. The remaining articles relating to commerce expired in 1803, between which period and the close of the war of 1812, no convention was concluded between the two countries, and their dealings with each other were regulated by a series of retaliatory and countervailing measures. But England became weary of such measures on her part, and,



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as confessed by Mr. Huskisson, after "*a long struggle to counteract the navigation system of America, without in any degree relaxing*" *her own*, "*found it necessary to adopt the system of reciprocity.*" The controversy thus came to an end; and the treaty concluded between her and the United States, on the 3d of July, 1815, which is still in force, was the first that either nation ever formed with any power, based on principles of perfect equality and reciprocal obligation.* In the opinion of men of no mean sagacity, its operation has proved more beneficial to the shipping of England than to our own; but had it included the same stipulations for a free and permanent trade with the British possessions in the western hemisphere, that it does for intercourse with the territories of that crown in Europe and Asia, we might be satisfied with it.

As we now close one question of commercial strife with England, we open upon another, — "the Colonial Trade." Our limits will not allow us even to enumerate the many attempts to place our relations with the British Colonies on a satisfactory ground; and merely saying, therefore, that these attempts began soon after the peace of '83, and that they were closed in 1830, by "McLane's Arrangement," we proceed to state, very briefly, some of the effects of that "arrangement" upon our ship-owners. The colonial trade for the last thirteen years is said by many to have been "reciprocal"; but we have watched its course during the whole period, and feel compelled to declare, that no epithet more inappropriate can be given to it; since it can be shown, that it has driven many thousand tons of our vessels out of their accustomed employment, without affording any other business as an equivalent.

And first, it has been of serious injury to our cotton ships. The building of vessels in New Brunswick and Nova Scotia, for sale in England, is an extensive business, and we have known vessels built for this purpose to go to a cotton port at the south on their voyage "home," and obtain freights which net a fifth or a quarter of their entire cost. So, too, whenever cotton pays well, the ships which are built for

* Since the Treaty with the United States, Great Britain has entered into several others; among them, we may mention the following: with Denmark, Austria, the Hanse Towns, France, Mexico, the Netherlands, Prussia, Russia, the Two Sicilies, and Turkey.

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use in the timber trade, and which are ordinarily employed in this way, are to be found at Savannah or New Orleans accepting an eighth or a sixteenth of a penny less on the pound than our own vessels. Nor is this the whole of the mischief; since colonial ships often go in quest of cotton when the rates are low, and thus by increasing the number of freighters, induce competition which results in a loss to all. Before the "arrangement," no such interference existed, because colonial vessels did not carry our cotton at all, while those belonging to the mother country could not lade with it, if they entered a colonial port on their way to the United States.

Were there any thing to compensate us for this state of things, it might be borne; but as there is not, we are compelled to regard the earnings of colonial vessels as so much taken directly from the earnings of our own ships. To be underbidden in our own ports, in the carriage of our great staple, and to submit to rates of freight unnaturally and vexatiously made by vessels, which cost full one third less than the American, which are either hurrying to the English merchants who have advanced their worth, and are expecting them as "remittances," or which are occasionally withdrawn from the business of transporting timber, and at best, are mere interlopers, that seek to share all the gains, and shirk all the losses of our southern trade, is a kind of "reciprocity" which we trust will speedily terminate.

In the second place, this "arrangement" has injured our coasting business. Between one hundred and twenty-five, and one hundred and fifty, thousand tons of gypsum and grindstones are used annually in the United States, the carrying of which every year requires one thousand vessels, of one hundred and fifty tons' capacity each. Before 1830, these vessels were all American; now, two thirds, at least, are colonial. Our coasters have a hard lot of it at best, and the loss of a trade which gave them employment during the droughts of the summer months, when our saw-mills are idle, has been most seriously felt. The United States are the only customers that Nova Scotia has ever had, or is likely to have, for her plaster and stone; and we could have kept entire control over the manner of taking them. The transfer of their carriage to colonial bottoms seems to be a matter of no regret with many, because they regard the

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whole trade as too contemptible for national concern. To transport plaster and grindstones is, indeed, an humble as well as a laborious occupation ; but those who live by avocations of higher rank and richer rewards need not sneer at it, for all that. It is an honest way of earning bread, and as such, is entitled to consideration and protection.

Again, we object to the "arrangement," because it has secured to New England no proper share of the trade in supplying the British West Indies with the articles which we have to spare, and which we steadily send to the sugar islands of other European powers. The trade with the planters was the "boon" sought for ; and, since 1830, how much of it have the northern States been able to obtain ? How much lumber, for instance, have they been able to furnish ? One fact will show, we think, precisely. An American house, well known to the writer, resolved some two years ago, to send to Trinidad a brig of their own, and a colonial brig which they had under charter ; and for this purpose, they procured *lumber which grew and was sawed in Maine for each.* The lumber for their own vessel was of course laden in American waters, but that designed for the other was taken in raft to a neighbouring port of New Brunswick, within sight of their counting-room windows. It so happened, that the two vessels were in readiness to go to sea on the same day, and as they were addressed to the same merchant, their cargoes were sold at the same price. Now, on a calculation which supposes that both vessels were of the same capacity, and carried the same quantity, the earnings of each ought, on the principles of "reciprocity," to have been alike ; or, rejecting such a calculation, to have differed only in proportion as one cargo was larger than the other. Instead of this, however, an adjustment of the accounts proved, that the voyage under the British flag produced eight hundred and ninety-three dollars more than that made under our own.

No fairer case than this, as it seems to us, can ever occur. If so, it follows that the same elements of difference have existed in every adventure undertaken in an American bottom,— varying in the number of dollars only according to the tonnage of the vessel employed, or quantity of lumber carried. True, the new tariff of Sir Robert Peel shows, that this inequality is no longer to exist ; but its termination makes no recompense for the past ; nor have we any pledge, that the

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former system will not be renewed. We have no time to pursue this topic, but conclude by saying, that common self-respect, common regard for the national interests, forbids us to trust to acts of parliament and colonial assemblies for the terms on which we may deal with the British possessions in America. If treaty stipulations are necessary to regulate our intercourse with England herself, they are equally necessary to direct it with her colonies.

We resume the consideration of our commercial policy as indicated by Treaties. As already remarked, our convention with Great Britain in 1815 was the first departure from the system of discrimination adopted soon after the organization of our present government. There may be no serious reason to regret that that treaty was concluded, or that its principles have been extended to some other maritime powers; but since we are among those who believe that *our fathers were men of wisdom*, we do regret that so little remains of what they accomplished. Most foreign flags may now enter our ports on the same terms as our own. Since the year 1815, we have formed treaties of reciprocity with Central America, Denmark, Sweden, the Hanse Towns, Prussia, Brazil, Austria, Mexico, Russia, Venezuela, Greece, Sardinia, Netherlands, Hanover, Portugal, and Ecuador. Mr. Madison remarked, very justly, that "the power of forming treaties of commerce with foreign nations ought to be exercised *with all possible circumspection.*" Whether the power has been thus exercised in the present case may well be doubted.

In remarking upon the effects which have followed so general an abandonment of discrimination between American and foreign vessels and their cargoes, we shall use the words of the Committee on Commerce, as found in the Report named at the head of this article. The observations of a considerable period, as well as the careful examination of our official documents from year to year, had led us to many of the conclusions of this able state paper before its appearance. No inconsiderable toil, therefore, in the same field, enables us to appreciate the time and labor necessary for its compilation.* We admire it for its strong American feeling; and we make copious extracts from it, in order that

* This Report is understood to be from the pen of Mr. Kennedy.

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those of our readers, to whom it is not accessible, may be possessed of the leading facts and opinions which bear upon the point under discussion. There are some expressions which we might soften, and some statements that we might qualify; but in the reasoning, generally, we fully concur. We commence where the Committee thus speak of the system of discrimination.

"It was (they say) avowedly and distinctively *protective* of the interests it had in charge. It was a system of restrictions upon the commerce and shipping of foreign nations for the benefit of our own. The American ship-owner was guarded and protected against the competition of the whole world, by discriminations in his favor in the duties both on merchandise and tonnage, as well as in the port charges and other expenses of his voyage; provision was made for the encouragement of American seamen; and the system was administered with a strict and jealous regard to the privileges which it conferred. If the severity of these restrictions was occasionally relaxed, in favor of particular nations, it was never without a specific equivalent; and the subject was left at all times at the disposal of the Government, to be controlled by the legislation of Congress, as the occasion might demand." . . . . . "During the period of our restrictive system, excluding from it only the interval of the war and the embarrassments that preceded that event, the growth of the American marine constitutes one of the most striking facts in the history of the country." — p. 13.

In commenting upon the "extraordinary increase of foreign shipping in our ports," consequent upon the change in our policy, they remark,

"The steadiness with which that increase has advanced, through a series of years, indicating no temporary or occasional impulse, but some permanent source of vigor, has diffused an apprehension that it is still to continue, and that it may, at no very distant day, arrive at a point which shall present the anomaly of American commerce chiefly sustained by the ships and seamen of transatlantic nations. On a question of so much concern, Congress will doubtless be influenced by broad and patriotic views of the national interest, and will not hesitate to discard whatever error of theory or practice it may be convinced has crept into the administration of this branch of our polity." — p. 20.

After citing some statistics, which go to show the relative increase of American and foreign navigation employed

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in our foreign trade, since 1830, they proceed to remark, that in that year,

"The British tonnage which entered our ports amounted to 87,231 tons; in 1835, to 529,922; and in 1840, to 582,424; being, in the first of these periods, about three fourths, and increasing, in the second and third, to nearly five sixths of the whole amount of foreign tonnage entering into the United States; while our shipping, which entered from Great Britain and her dependencies, (in 1830) amounted to 473,205 tons; in 1835, to 654,719; and in 1840, to 826,900; — that, consequently, in the first of these years, the British shipping in our trade was less than one fifth of our own; in the second, it had increased to upwards of four fifths; and in the third, stood somewhat above four sixths of that belonging to our own citizens. And it will also be perceived, that the increase of British shipping in our ports in the ten years since 1830 has reached the ratio of nearly six hundred and seventy per cent.

"The French tonnage, in the same aspect in which we have regarded the British," continues the Committee, "was, in 1830, 11,156 tons; in 1835, it was 15,457; and in 1840, had increased to 30,701 tons." While our "tonnage entering from France and her colonies was, in 1830, 120,793; in 1835, 107,533; and in 1840, 130,541 tons; the French, through these three periods, bearing, relatively to our shipping, the proportion of something less than one tenth in the first, of one seventh in the second, and a fraction below a fourth in the third; and having increased in the ten years since 1830 about 180 per cent. The increase of our shipping in French ports, in the same time, was about nine per cent." — p. 21.

After noticing the steady increase of our trade with Spain and her colonies, and showing that it employed, in 1840, over seventy *per cent.* more of our tonnage than in 1830, and that the imports had increased in about the same ratio, they consider next the state of our commerce with the northern powers of Europe. Of Russian, Prussian, Swedish, Danish, Dutch, and Hanseatic shipping, they state, that the aggregate tonnage which entered our ports, in 1830, was sixteen thousand two hundred and four; that, in 1835, it was fifty-two thousand and eighty-three; and that, in 1840, it had increased to sixty-eight thousand four hundred and seventy-two tons.

"While the American shipping entering in the same years from the ports of these six Powers was, in 1830, 152,213; in

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1835, 95,061 ; and in 1840, 97,683 tons. The foreign shipping having *increased* more than four hundred per cent. ; — the American having *decreased* something more than forty per cent. ; — the trade through this interval having but little changed in amount. Amongst the countries enumerated in this aggregate, the increase of the shipping of the Hanse Towns and of Sweden will attract particular remark ; — the first having increased from 9,653 tons in 1830, to 70,703 in 1837, and to 41,874 in 1840; the second, from 4,136 in 1830, to 16,964 in 1840, and having at one year in the interval (1837) reached 27,849 tons."— p. 22.

From these facts and others, and from a course of reasoning which our limits will not allow us to give, the Committee derive evidence of the following facts ;

" 1. Of a great and increasing proportion of foreign tonnage in our trade.

" 2. That that increase has not, in any equal ratio, attended upon an increase of trade, but, especially in reference to the shipping of the north of Europe, has occurred where the trade has been nearly stationary.

" 3. That in the excitement communicated to our commerce by the excessive increase of banking and paper money, the foreign shipping interest has profited even more than our own ; partaking of the temporary gain of that system, without sharing in the final embarrassment which it brought upon the country.

" 4. That our navigation in general has fared best in our commerce with those nations with whom we have not negotiated reciprocity treaties.

" 5. That the results have been most to our disadvantage where the reciprocal privilege has been established on the broadest scale." — p. 27.

With one more extract we must conclude.

" The Powers with which we have concluded (reciprocity) treaties — we speak especially of those of the north of Europe — are well known both to build and navigate their vessels cheaper than we can do. It is not affirming too much to say, that the materials employed in ship-building are to be procured in the Baltic States at rates of cost much below that for which they can be obtained in the United States ; that the wages of labor employed in this occupation are, in these countries, at least one half less than ours ; and that those paid to seamen and all others concerned in the navigation of their ships may be placed at an average of thirty-three and a third per cent. less than are usually

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paid in the United States; whilst all the expenses of victualling and providing for these vessels are quite as cheap if not cheaper than are incurred by our ship-owners. We do not furnish examples of these several items of cost and expense, only because the fact we have stated is notorious, and has been so often brought to the view of the country as to render it unnecessary.

"Yet with these Powers we persuade ourselves, that our treaties have placed our commerce upon a reciprocal footing. To say nothing of the high, and even prohibitory duties which, in several of these States, are brought by their tariffs into contrast with our low duties, we have consented to open the trade of our whole country of seventeen millions of people to the subjects of these powers in exchange for the privilege of a trade which, on their side, is confined to the supply of the wants of a much smaller circle of population, and, in reference to some of them, to some few ports whose commerce, in comparison with ours, is certainly limited, if not to an inconsiderable, at least to a very inferior, amount of demand. It was going far in the way of concession, to grant the privilege of *direct* transportation to the produce of the respective countries with whom these treaties are formed. But it is scarcely conceivable what adequate motives of good policy could have presented themselves to our Government to justify the opening of our entire trade with all the world to the vessels of these Powers, — endowed as they are with such capacities for cheap navigation, — and to admit their ships and seamen into a free competition with our own, in whatever trade their merchants might think proper to embark. This we have nevertheless done; and the consequence is, that Congress is receiving from all quarters deep complaints of the injury we have inflicted upon our own navigation, — an injury which is now in rapid progress of mischief, and which, if not arrested by timely legislation, must result in laying up our own shipping to rot at our docks, and in the surrender of our carrying trade to the friendly rivals whom our policy has done so much to favor." — pp. 39, 40.

We have already said, in substance, that had we used our own notes in speaking of the effects of the reciprocity policy, we should not have employed Mr. Kennedy's precise arguments, illustrations, and words; though to his doctrines in the main, and to the conclusions at which he arrives, we yield our hearty assent. As soon as the members of Congress shall have arranged every thing for the Presidential succession, our commercial relations with foreign powers will, we may reasonably hope, engage their attention. We



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tell them in all friendliness and with all respect, and we tell all others to whom the maritime interests of the country are committed, whether at home or abroad, that if they would meet the expectations of their constituents whose bread they eat, these interests must—aye, *must*—receive more of their attention. The belief is prevalent and increasing among merchants and ship-owners, that their pursuits and property are not sufficiently cared for, and something must be done by our public functionaries to satisfy them. Mr. Kennedy has given to them, and to the nation at large, the results of his investigations as to their grievances, and has pronounced that their complaints are just, and that the policy which is injuring them should be modified, if not essentially changed. He, too, whose reasoning powers are excelled by none, before whose piercing vision fallacy vanishes like mist before the sun at noontide, and whose arguments opponents never overthrow and seldom reply to, in a speech at the place of Mr. Kennedy's home, has deliberately pronounced the same opinion.* If they, if others who hold this opinion, are in error, let those who think so, and who profess to believe that all is now right with our trade and tonnage, show *their* facts and arguments as clearly and intelligibly, as those of a contrary character have been made to appear in the Report of the Committee of Commerce, and in the Speech at Baltimore. The principal facts on which the Report and Speech are based, may be found in the annual Treasury Report on Commerce and Navigation, and are therefore open to the examination of all who are interested to know, whether they are carefully and honestly used to sustain the views which each present to the consideration of the American people. None, then, need to be misled, or to trust to the authority or opinion of others. The questions which are derived from these statistics must be met and disposed of; and doubt, uncertainty, instability, and insecurity will exist until there shall be some adjustment of them.

If all other aid is denied to our merchants, we may at least ask, in their name, that the enactments which require their ships to be built in their own yards, upon our own soil,

* It may be proper to guard against misconception by the remark, that the reference of the text (both here and elsewhere) to Mr. Webster's Speech at Baltimore, is to that part of it only which discusses the existing system of Reciprocity Treaties.

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and to be manned principally with American citizens, may be stricken from the statute-book. If the government shall determine, after a full hearing, that American vessels must continue to compete, under an unchanged policy, with foreign vessels which are constructed of wood that costs less, by labor that is cheaper, and of iron, duck, and cordage, that pay no duties; then, it surely will be but fair, that Americans as well as foreigners shall own and employ such vessels in which to carry off our surplus products. There is wrong — and, we had almost said, outrage — in an arrangement which places side by side, and on an equality, at Savannah and New Orleans, the ships built at Medford and New York, and those built at St. John's and Halifax; and it should come to an end. But if there is to be no change in any of our commercial relations, let our laws so stand, that foreign vessels may come to our ports for sale, and that our merchants may go abroad and purchase, wherever ships are to be procured for the least money. And let there be no discrimination in seamen; but let those be employed, of whatever tongue, who will work the cheapest, and for the fewest necessaries and comforts. All this done, let success crown the efforts of those who shall make the best use of skill, time, and outfits, be their flag what it may. The day *was*, when American navigation received preferences at the hands of the government which was founded in order to afford it adequate protection; but the day *is*, when we can say its owners will be grateful, if they can be placed on the same footing as their competitors from the British colonies and the Hanseatic cities. We use strong language; but the occasion admits of it. What is talked of by every shipowner, from Eastport to Baltimore, shall be repeated here. If we are rightly advised, Mr. Kennedy was deprived of the opportunity of giving to his associates at Washington the views and reasonings which were withheld from his Report, in the hope that they might go out to the country in the more popular form of a speech. We will do our humble part, at least, to make them more widely known.

This article is already of a wearisome length, and we must hasten to a conclusion. But as exaggerated accounts of the extent of our foreign trade are current, we will add a remark or two to show, that the state of our commerce with continental Europe, France excepted, furnishes no cause of con-

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gratulation. The truth is, that our trade with all foreign countries employs something less than one third part of our tonnage; and, taking the amount which arrives annually from places foreign to the United States as the basis of a calculation, we arrive at the following results: that full one half of the amount thus arriving enters from places and ports under British dominion; that a half enters from nations, islands, and colonies, in our own hemisphere; that a twelfth enters from France and her possessions; while the *aggregate* from Russia, Prussia, Sweden, Holland, Belgium, Spain, Portugal, Madeira, Italy, Sicily, Austria, Turkey, and the Hanse Towns, is not quite one tenth.*

Of the foreign tonnage which arrives in the United States, three fourths are from places under the British flag; five eighths are from the countries and islands of North and South America; one twenty-third part is from France and her possessions; one thirty-seventh part is from Spain and her colonies; while from the Hanse Towns, the amount is greater than from all the remaining powers of Europe taken together.

The British trade with those parts of Europe, and with some other countries, with which ours is inconsiderable, is in some instances large, and in others, immense; as will be seen from the following comparisons. Of about fifteen hundred ships which were cleared at St. Petersburg in 1830, more than one half were British, and only one in thirty-two was American; and of those that were at Odessa the same year, one hundred and forty-seven were British, and but two were American. Of more than five thousand and seven hundred vessels, which arrived in the different ports of the Russian empire in 1832, considerably more than one fifth were from the British dominions in Europe, and only one in three hundred and thirty-six was from the United States. In 1833, there were at St. Petersburg alone about seven hundred British ships, and but one eleventh as many of ours;

* The Committee on Commerce arrange our trade with foreign nations and their dependencies, so far as imports *from* and exports *to* them are concerned, in the following order. In the amount of tonnage employed, the rank is different. 1st, Great Britain; 2d, France; 3d, Spain; 4th, Mexico; 5th, Brazil; 6th, China; 7th, The Hanse Towns; 8th, The Netherlands; 9th, Russia; 10th, Denmark; 11th, Sweden and Norway; 12th, Chili; 13th, Venezuela; 14th, Belgium; 15th, Italy; 16th, Hayti; 17th, Sicily; 18th, Portugal; 19th, Turkey; 20th, Austria; 21st, Texas; 22d, The Cisalpine Republic; 23d. The Argentine Republic; and 24th, Peru.

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and of almost six thousand vessels "despatched" from Russia in 1838, more than one third (364,000 tons) belonged to Great Britain, and less than one in eighty (22,000 tons) to "North America."

The relative commerce of the two countries with Portugal presents similar results. In 1828, seven hundred British vessels were employed in the Portuguese trade, and they carried to Portugal merchandise worth twelve millions of dollars; while four years afterwards, our exports to that kingdom and all her dominions were only one fortieth part of that amount. At present, Portugal obtains the greater part of her supply of rice and tobacco from Brazil, and of codfish from Newfoundland. In truth, that British colony has furnished her with more than ten millions of quintals of this kind of fish during the last forty years; and in 1840, two hundred vessels were engaged in the business of transporting it to her markets for consumption. Of the whole number of foreign ships which enter and leave Lisbon and Oporto, we possess no certain information. But we do know, that though the first-named city is admirably situated for commerce, and formerly owned as many as four hundred ships, of the average burden of four hundred tons, the number and size have been reduced quite two thirds; and that its foreign trade is no longer in the control of its own merchants; and we know also, that though one hundred and seventy-nine British vessels (25,755 tons) were entered at Oporto in 1840, there were but ten (1,524 tons) of American during the same year.

So, too, in the trade of Naples. This kingdom receives annually of British subjects, fifty thousand quintals of dried, and nine thousand casks of pickled fish, besides cotton goods and yarns worth a million and a half of dollars, and woollens of the value of a quarter of a million more. As many as thirty-six cargoes of British fish have gone to Naples in a single year, and, while the whole number of vessels from Great Britain and her colonies which were entered at the Neapolitan ports in 1835 was one hundred and twelve, (14,865 tons,) the American flag was displayed but from one vessel, of two hundred and ten tons.

Our commerce with Prussia is quite insignificant, but that of Great Britain is large and valuable. In 1828, when only seven American vessels entered the Prussian ports, the

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aggregate of British and Hanoverian tonnage was two hundred and six thousand. Nor has our trade increased since, for we find our tonnage in 1832 set down at less than five hundred, and in 1840 at less than six hundred, or less than one thirtieth of the British and Hanoverian for twelve years previously.

As with Prussia, so with Turkey. More British vessels were employed in 1836, on the Danube alone, than were entered at our custom-houses from all Turkey in 1840; and though the former flag covered the sea of Marmora prior to the year first named, ours had rarely been seen there. As far back as 1825, British manufacturers exported to the Turkish empire fourteen millions of yards of cotton cloth, and nearly half a million pounds of cotton twist; and in 1831, the export of the first had increased nearly one hundred per cent., and of the last four hundred per cent.; while our whole dealings were too small to be computed.

What is the condition of things in the trade of the Baltic? This is a sore question, and though enough has been said upon it, perhaps, in the extracts which we have given from the Report of the Committee on Commerce, we shall give a few figures to show, that could our navigators obtain a proper share of it, our countrymen would be great gainers. We may premise, that the amount of our tonnage engaged in it, instead of increasing, as it ought to do, under the state of the imports and exports, has diminished nearly one third within the last eighteen years, and that, from present indications, it will decrease still more. The policy of "reciprocity" with the States on the Baltic is, as has been remarked, "as if two neighbours, one of immense landed estate, and the other the possessor of a single acre, should agree to exercise the right of pasturage in common." We have already shown, that in the trade with several of the countries with which we have treaties of "reciprocity," the amount of British shipping far exceeds that of the United States; and we are now to see the same result again. The number of ships belonging to Great Britain and Ireland, which passed Elsinore, going and returning, in 1831, was 4,772, while the number which belonged to the United States was 179. In 1837, the vessels of both flags were less than in 1831; but still, the number of British was 3,417, (655,447 tons,) while of American it was only 104, (26,250 tons.) In 1839,

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there arrived at Hamburg from Great Britain fourteen hundred and ninety vessels, and from the United States, forty; and of the vessels of all flags which arrived at that city during that year, the proportion of British was almost one half; of American, about one eightieth. We have no need to pursue this topic further; but we cannot refrain from asking how it has happened, that while we have "reciprocity" conventions with Sweden, Denmark, and Russia, and can, of course, supply them with tobacco directly and in American bottoms, they obtain it loaded with the charges of brokerage and transhipment from Bremen! If we understand the matter rightly, our "reciprocity" treaty with the Hanseatic Towns has enabled this city to become — by means of its own shipping principally — one of the great European marts for the sale of this staple. And yet, though Bremen has extensive and increasing manufactories of cotton, it has not enabled us to furnish her artisans with more than 12,000 bales of the raw material annually, because British twist continues to be admitted free.

Had we time, we might compare British commerce with our own still further. The results, as ascertained, in the trade with Venezuela, with New Grenada, with Austria, and with Italy, are not dissimilar to those in the instances already cited, and we must pass them without further comment, in order to devote a moment to the intercourse of the two countries with Morocco and Brazil. Of the trade with Morocco, Great Britain may be said to enjoy the monopoly. In 1839, only three vessels (600 tons) arrived in that kingdom from the United States; but of British, there were two hundred and fifty-three (13,664 tons,) and, while the aggregate of British imports and exports was four millions of dollars, the sum of ours was only one twenty-fifth as much; and in 1841, it was still less. With Brazil, the disparity, all things considered, is still greater. Great Britain, for the sake of her coffee colonies, taxes Brazilian coffee and sugar; but we take annually coffee and hides worth five millions of dollars, on which we impose no duty; and sugar, of the value of half a million or thereabouts, on which we lay an impost of two and a half cents the pound weight. Still, in 1840, Brazil received American products to the amount of two and a quarter millions of dollars only; while of British merchandise, she took full ten times that value.

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In instituting the preceding comparison between our own foreign commerce and that of the people from whom we derived our origin, we would not be misunderstood. Towards them, of all others, we cherish no feelings of unkindness. The Mother and the Children have had conflicting interests from the earliest hour of this relationship, and it is their destiny, probably, that this rivalry shall endure to the end of their national existence. But though Englishmen and Americans have met, and must continue to meet, as competitors in the great markets of the world, an honest endeavor to outdo each other in the cheapness of goods, and in the facility of their carriage, need create no angry strife between them. Skill, energy, perseverance, and sagacity are to be admired wherever they are found; and in what we have said, our motive has been not to provoke feelings of hostility, but to show rather what these qualities have done for the advancement of British navigation and trade.

Whatever the windings and turnings of British politics may be, — unlike ours in one respect — ships and shops are never overlooked or forgotten. In or out of place and power, an English statesman never has been able to excuse himself to his constituents, if he wavered in his course as to the promotion of the industry of the kingdom, or slackened his zeal to devise employments for its tonnage, and to seek out new customers for its manufactures. His accountability is a just one, and the American people ought to hold their rulers to the same.

At a future time, we may discuss at greater length some of the questions which we have now but briefly and imperfectly considered, and with reference to a remedy for the evils of which we have complained. In the early days of the Republic, and before the spirit of party — its fell curse — had distorted the vision, poisoned the minds, and misled the judgment of our prominent men, Mr. Jefferson observed that "Free commerce and navigation are not to be given for restrictions and vexations; nor are they likely to produce a relaxation of them." Experience, we think, has shown the wisdom of the sentiment; and should we resume the subject of our commercial policy, it will be our purpose to present the exact "restrictions and vexations" which have been, and still are, meted out to us, in exchange for the "free commerce and navigation" which we have tendered, and continue to tender, to all nations.

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ART. III. — *Critical and Miscellaneous Writings of* T. NOON TALFOURD, Author of "Ion." Philadelphia; Carey & Hart. 1842. 12mo. pp. 354.

AMONG the many gifted minds who have been influenced by the spirit which Wordsworth infused into the literature of the present age, there is hardly one who approaches nearer, in the tone and character of his writings, to the bard of Rydal Mount than Thomas Noon Talfourd, the poet and essayist. He belongs to that class of authors, who manifest so much purity and sweetness of disposition, that our admiration for their talents is often merged in our love for their qualities of heart. Criticism shrinks from a cold analysis of their powers. Their occasional fooleries of taste and faults of style are rarely visited with the pitiless peltings of sarcastic rebuke. Wherever they find a reader, they find a friend. A spirit of affectionate partisanship mingles with most criticisms on their writings. All who have partaken of their intellectual companionship have a deep sympathy in their personal welfare. We may be almost said to joy in their joy, and grieve in their grief. If they be not bound to us by the ties of consanguinity, they are still the brethren of our minds and hearts. Oceans cannot separate them from our love. National differences cannot alienate them from our affections. Wherever they go, they have the "freedom of the city." Wordsworth, Lamb, Dickens, Talfourd, Frederika Bremer, allowing for their intellectual diversities and the different influences which have modified their genius, are all authors who make personal friends wherever their writings penetrate. They are present to the mental eye with as much distinctness as the companions of our daily walks.

In speaking of Talfourd as a mental pupil of Wordsworth, we do not mean to say that he is an imitator of his master's manner, or that he closely copies any of his prominent beauties or defects; but merely that the tone and aim of the writings of the two are similar. In the spirit and essence of his genius, and not in its outward form and expression, is he a Wordsworthian. He, indeed, often adopts expressions and images which Wordsworth, in the severe simplicity of his taste, would reject with disdain. His style is richly laden with ornament, and almost monotonously musical in its flow.



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His thoughts are more often seen in the imperial robes of rhetoric than in its suit of "homely russet brown." The rich flush of imagination colors his whole diction. At times, he is fastidiously nice in his choice of language, and a fondness for dainty and delicate epithets sometimes gives to his style an appearance of prettiness and enfeebling affectation. He luxuriates too much in the "nectared sweets" of language and imagery, and is apt to impair the manliness and vigor of his diction by redundant fancies and sugared words. When his own stores of sweetness fail him, he avails himself of those belonging to others. His diction is studded with apt quotations, teeming with richness of sentiment and style. But still he shares in all the essential characteristics of the school of Wordsworth, and gives evidence on every page of that "quiet eye, which sleeps and broods on his own heart." The mingling spirits of meditation and imagination are the inspiration both of his poetry and criticism. His manner is almost always quiet, even when he is severe. There is nothing in his general style to interrupt the calm and steady flow of his thoughts and feelings — no glare, no rush, no epigrammatic point, no "agony" and "wreaking" of mind upon expression. His temper is kindly, and averse from any use of sarcasm and denunciation. There is even little evidence in his writings of that directness and dogmatism, which sometimes spring from the untrammelled exercise of a sharp, clear intellect, seeing objects in the white light of reason. His logic is often held in bondage to his affections or associations, and accommodates itself to the wishes of his heart. He is apt to consider matters of reasoning and observation as though they were matters of taste. As a logician, he has many of those faults which poets who aspire to the honors of dialectics, experience so much difficulty in avoiding. He would probably be a more pleasing writer, if his fine humanity were accompanied with greater strength of passion, or more grasp and independence of understanding.

The prose essays, the title of which we have chosen as a caption for our notice of Talfourd, abound in beauty. Indeed, the author's mind seems hardly to apprehend the mean and the deformed. His heart and imagination flow out in his compositions, and color and consecrate whatever they touch. It is difficult to resist their pleading tones, even when they appear as advocates for critical fallacies. The

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sophistry of their warm goodness is more pleasing than the logic of passionless reasoning. They seem to have been nurtured on the "selectest influences of creation," and to have been preserved from the "contagion of the world's slow stain." Love, beauty, goodness, sincerity, pure thoughts, and fine sympathies, all in human character which is sweet and gentle, seem to have sprung up in his nature as from celestial seed. An air of inexpressible purity is spread over his compositions. There is not one premeditated line in his prose or verse, which can be associated with a base or immoral idea. It may be said of him with truth, that although he has been the source of much pure delight to thousands, he has never made his talents ministers of evil, nor sought popularity by pampering depraved tastes. Throughout his works, we ever find beauty linked with goodness.

The reprints of what are called the "modern periodical essayists," including the present collection of the writings of Talfourd, naturally suggest a comparison between the periodical literature of the present age, and that which existed in England during the latter half of the last century. No publisher, however enterprising, would hazard a republication of articles extracted from the old European and Gentleman's Magazines, and the Monthly Review. Indeed, until the establishment of the Edinburgh Review in 1802, there were few, if any, periodicals worthy of comparison with the critical journals of the present day. Before that period, the regular monthly visiters to the fireside and the study were conducted by men of inferior abilities, and rarely contained articles worthy of preservation. There was an equal want of good books and good critics. On the publication of any work by an author of reputation, the reviewer tamely and timidly followed the footprints of his opinions and investigations, and rarely attempted more than a meek digest of both. No task can be more severe than to travel through the sterile tracts of periodical literature during the period we have indicated. The very appearance and "complement extern" of an old magazine is suggestive of insipidity and dulness. We can pick up little in it but the dry chips and shavings of thought and knowledge. Letters from country gentlemen about some subject in which none but country gentlemen can be supposed to take any interest — communications from small antiquarians, on small antiquities — a large number of metrical pieces which

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no country editor would now dare to publish in his poetical corner — the ambitous struggle of the meanest mediocrity to look like moderate talent — the coquetry of Mr. Robert Merry, the divine poet, with Miss Anna Matilda, the sad poetess, both hailing from Della Crusca — an infinite number of little epistles on little subjects, devoid alike of forcible thought and vigorous expression — every thing, in short, but things of interest and excellence, composed the material of most periodicals during the last fifty years of the eighteenth century. The Reviews conducted for a short period by Gilbert Stuart and Dr. Smollett were, by virtue of their rancor and malice, an exception to the stupidity of the mass. But flatness, insipidity, an absence of valuable information and mental vigor, a cringing and creeping deference to established codes of criticism, and a sickening weakness of expression, characterized most monthly journals during that period, when their contributors peopled the mansion-houses of fat-witted country squires, and the attics and cellars of Grub Street. How that unfortunate portion of our fellow-creatures, known by the name of the "reading-public," could not only purchase, but read, these stupid apologies for literature, is a mystery more puzzling than the debated authorship of Junius. It is impossible to discern the exact point in the descent of literature, when its productions will cease to command the money, and excite the attention, of the simple and the well meaning. People in all times have their own peculiar methods of obtaining misery at a cheap rate. We buy ninepenny reprints of fashionable novels.

But the Edinburgh Review disturbed the smooth, stagnant waters of monthly and quarterly dulness. The tone of its early numbers was such as to make all disciples of stupidity and all professors of bathos fear and tremble. It was radical, revolutionary, almost piratical, in its warfare against existing abuses. It had the hardihood to consider folly, affectation, and undue pretensions, as crimes deserving of severe punishment. Its principal writers were men of fine clear intellect, with an exquisite perception of the ludicrous, a large command of the language, and a singular union of the sharp, fleering tone of dogmatists, with the accomplishments of scholars and men of taste. They were distinguished for subtlety rather than amplitude of comprehension; and were better fitted to discern with delicate tact the faults and absurdities of hacks and pedants, than to detect, appre-

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ciate, and foster the writings of great, but undisciplined, genius. They battled as fiercely against Wordsworth, Coleridge, Southey, Lamb, and Montgomery, as they did against the poor poetasters and literary fops and hirelings, whose names it would be almost a disgrace to remember. The success of their first efforts against book-makers, and the favor with which their lively and malicious pleasantry was received by the public, appear to have impressed them with a magnified idea of their own importance and powers. They constituted themselves, with a quiet assurance almost unparalleled in literary history, the judges of the whole realm of letters; stated and abandoned their own laws of criticism at pleasure; considered the publication of a book as *primâ facie* evidence of crime, of which only great merit could be received in apology; summoned every writer to their tribunal, and dealt out to him eulogy or blame as their tastes, whims, wit, or politics might prompt; were often intolerant and harsh in their judgments, where the victim could bring strong recommendations to mercy; and, by the mingled force of talent and assurance, they contrived for a series of years, and in a time affluent in great names, to exercise a predominant influence upon public opinion, and to give the tone to public taste. Grub-street fought desperately at first to regain its old dominion; but it soon fell, "pierced through and through with cunning words," and was buried beneath the weight of its own explanatory, defamatory, and lugubrious pamphlets, — forty of which, excited by articles in the Edinburgh, and accusing it of all modes and shows of literary injustice, dropped heavily from the press in one year.

The success which attended the great Quarterly gave a strong impulse to periodical literature. Magazines and reviews multiplied rapidly. Almost all the talent of Great Britain found its way occasionally into their pages. Each of the great political and religious parties had its code of criticism, its rank and file of periodical essayists, its representatives of party principles and party literature. Each journal attempted to surpass its contemporaries in vigor, brilliancy, and point. A certain fierceness of tone was infused into criticism. No writer, however high his genius or noble his motives, could publish a book without suffering insult and injustice from some one of these flashing and bitter exponents of *cliques* and parties. Shelley, Byron, Hunt,

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Hazlitt, Barry Cornwall, Keats, Campbell, Southey, Wordsworth, were all defamed or eulogized as clashing tastes or opinions dictated. Hunt and Hazlitt, in particular, were studiously libelled for many years, in all the Tory journals. Amidst all this injustice and brilliant bitterness and vituperation, however, there was often manifested much mental power, and a great amount of valuable knowledge. Essays on all subjects connected with the philosophy of literature, history, and politics, the productions of men like Mackintosh, Jeffrey, Hallam, Gifford, Southey, Campbell, Macaulay, and Carlyle, were almost as common as the literary immoralities and cruelties with which they were accompanied. In looking over a file of the Edinburgh and Quarterly Reviews, we often find a grave disquisition followed by a furious political diatribe, and preceded by a fleering attack on some Whig or Tory poet. The political bigotries, which would seem to be out of place in any other locality than a bar-room, are often warmly defended in the same journal which contains an eloquent and noble piece of æsthetic criticism, or a vigorous and comprehensive essay on Milton or Bacon. Many of the political papers, and unjust criticisms also, though intended to serve a transient purpose, often displayed great dialectical and rhetorical skill. Analysis prompted by sincerity, benevolence, and principle, is often less keen and powerful than analysis stimulated by envy, intolerance, and all uncharitableness.

We have intimated our high opinion of the value of the essays and disquisitions with which British periodical literature is now so amply filled. An eminent publishing house in Philadelphia has very wisely undertaken to reprint these, and to give them a general circulation in the United States. To this enterprise we owe the collection of Talfourd's prose writings, — gems which were originally set in the Retrospective Review and New Monthly Magazine, but which did not attract, in that form, perhaps from the very fineness of their workmanship, the attention they deserved. They bear in almost every sentence marks of care and labor, and are distinguished from the compositions of contemporary essayists, not only by peculiarities of temperament and opinion, but by the sedate beauty and calmness of their tone. We can perceive in them none of that deliberate fury, that spasmodic and convulsed energy, that incessant struggle after

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brilliancy, which characterize the style of most writers for the English magazines. They do not appear to be the productions of haste, prejudice, or whim, but seem to have been carefully meditated in those hours of the author's life, which were peculiarly favorable to chasteness of thought and felicity of composition. Nothing appears in them calculated to suggest the hired hack, torturing his mind into something like vigor, inspired by a distant view of the high reward of eight guineas a sheet.

His critical writings manifest on every page a sincere, earnest, and sympathizing love of intellectual excellence and moral beauty. The kindliness of temper and tenderness of sentiment, with which they are animated, are continually suggesting pleasant thoughts of the author. He festoons the scalpel of the critic with roses. Hatred, scorn, and dogmatism rarely vex the unruffled stream of his thoughts and emotions. A fine humanity pervades and harmonizes his mind. But his sweetness of disposition in many cases disturbs the clear action of his intellect. The critic, of all persons, should have a keen eye. His province is to see, more, perhaps, than it is to feel. If the clearness of his vision is dimmed by discipleship or enmity, or if the object which he examines be discolored by the hues of his own mind, he gives us a fancy picture, not a portrait; he adds or takes away from the original, until its real features are lost. In Talfourd's critiques, we discover much which can hardly be called critical. The judge is too apt to lose himself in the advocate or disciple. To use his own words, in speaking of Hazlitt, he sometimes confounds the processes of argument with those of feeling. He is more often at the feet of Gamaliel than in the judgment-seat. He bends his knee in reverent homage to the great and the good. The splendid notices of Wordsworth, Coleridge, Lamb, and Mackenzie, are rapturous hymns in praise of those authors, rather than sharp, analytical judgments on their merits. Talfourd has none of that dogmatism of feeling, which impels Macaulay to exalt himself above his subject, and remorselessly analyze and dissect even his favorite authors; neither does he, like the same writer, take some authors captives of his criticism, and exhibit their scalps in proof of his prowess. All warfare against poets or prose writers, whether conducted on Indian or civilized principles, he

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steadily eschews. He becomes really critical only when he applies the principles educed from the works of his favorite authors to writings which are formed on a different system, or which spring from a different moral or mental source; and then he is frequently partial and one-sided in his view. He describes the genius of a poet, not as it is in reality, but as it has affected his own imagination and sympathies; and he consequently pours out, in the praise of a cherished author, the whole wealth of suggestive thought which belongs to his own mind. He thus gives the object of his eulogy credit for all the ideas and imaginations which he has awakened, as well as for all which he has directly imparted. By this method, we have an abstract and expression of two minds, not of one, — as in the Dialogues reported by Plato, where the disciple adds to the teachings of the master, without claiming his share of the joint product.

The prominent characteristic of Talfourd's critical system is his view of the nature and sphere of imagination, stated with considerable definiteness in his articles on Maturin, Wordsworth, and Hazlitt, and influencing his judgment in others. This theory essentially modifies his opinions of books and men, and, though beautiful in itself, appears to lie open to weighty objections. It is a curious fact, and one which well illustrates the influence of the spirit of discipleship, that Talfourd narrows the domain of imagination within the sphere of Wordsworth's genius. His definition of the faculty is as follows: "In our sense, it is that power by which the spiritualities of our nature, and the sensible images derived from the material universe, are commingled at the will of the possessor. It has thus a twofold operation, — the bodying forth of feelings, sentiments, and ideas, in beautiful and majestic forms, and giving to them local habitations; and the informing the colors and shapes of matter with the properties of the soul."

This definition we conceive to be narrow. It does not cover the whole extent of the power. It restricts the operation of the faculty to the capacity of discerning, suggesting, and commingling analogies. Is this the whole of its province? Are not the creation of individual characters and the invention of incident among its legitimate efforts? The conception and creation of the characters of Lear and Macbeth seem to us as noble efforts of the imagination, as the commingling of the spiritualities of their natures with the sen-

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sible images derived from the material universe. To apply the *argumentum ad hominem*, we might ask, is not the creation of the character of Ion out of the finest elements of humanity as grand and beautiful an operation of the "faculty divine," as any of the images in which his thoughts and sentiments take shape and hue? But Wordsworth is deficient in the power of creating character and incidents. His genius is intensely subjective and egotistical. He pours his personal feelings into every thing he writes. He makes nature and man speak in his peculiar dialect. A theory must therefore be invented, by which the poetic power of Wordsworth shall be made the measure of the poetic power itself; and Talfourd has effected this, with a seeming unconsciousness of sophistry which it is quite edifying to witness.

There is still another objection to be made to Talfourd's critical canons. Connected with his theory of the scope of the imagination, he has another relating to its operation as the reconciling and harmonizing principle of the mind. He also gives to its analogies more authority than belongs to the deductions of the understanding. In his system, imagination sees truth in clear vision. Like figures, it cannot lie. All the other mental faculties are liable to delude us, but this divine power, if it exist at all, must ever picture forth what is real and true. It discerns the eternal substance, not the "shows and shams," of things. "A mirror can no more reflect an object which is not before it, than the imagination can show the false and the baseless." Our author, indeed, gives it all the intuitive power which Cousin confers on the "spontaneous reason." We are gravely told, that the faculty is never irregular, confused, dim, or unreal in any of its manifestations; that gaudiness of diction, excess of metaphor, turbulence, and a number of other qualities which many good people conceive to spring from the predominance of the poetic faculty, do not arise from an *ill-regulated* imagination, for such a term is altogether inapplicable to the power, but rather from excessive sensibility and verbal fluency. He is certainly correct in distinguishing false from true imagination, and vindicating the faculty from many of the tasteless enormities which have passed for its creations; but in his zeal he forgets facts and abandons logic. From his statement it would seem that no one can imagine what does not exist; that we are never fooled by fantasy; and that



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Hamlet grossly libelled the power, when he hinted the possibility that his imaginations might be as foul as Vulcan's stithy. Besides, our author, in his other essays, is not altogether faithful to his own principles. We can occasionally detect expressions and illustrations, which are logically inconsistent with his cherished notion. His admiration, at times, will burst out, in spite of his theory, in praise of imagination when it is distempered, or shadows forth unreal mockeries.

The notion that the imagination acts as the harmonizing principle of the mind we conceive to be fallacious. The general suffrage would be in favor of a directly opposite opinion. Besides, it does not follow from Talfourd's definition of the faculty, and it is likewise contradicted by facts. It is merely an assumption. The method of reasoning which the author followed in arriving at his singular conclusion, was probably something like this; — Wordsworth must be placed above all the other poets of the age. The mind of Wordsworth as developed in his writings is harmonious. It rarely seems stung and stirred into action by passion and impulse; it is cool and philosophic. Therefore the imagination, which above all others is the faculty of the poet, must act as the reconciling principle of the soul, and be the source of its harmony. — This is truly an accommodation of the "shows of things to the desires of the mind," which reflects more credit upon the poet than the logician.

We cannot see any necessary connexion at all between the power of commingling at will the "spiritualities of our nature" with sensible images, and a harmonized state of the whole inward nature. Among Wordsworth's contemporaries, Shelley and Byron are examples at once of great imaginations and unsettled minds. They possessed, in a high degree, the power of "informing the colors and shapes of matter with the properties of the soul," and "of bodying forth ideas, feelings, and sentiments in beautiful and majestic forms"; and whether these ideas, feelings, and sentiments were pernicious or good, false or true, the forms in which they were embodied were still beautiful and majestic.

> "For they knew
> How to make madness beautiful; and threw
> O'er erring thoughts and deeds a heavenly hue
> Of words, like sunbeams, dazzling, as they past,
> The eyes which o'er them shed tears feelingly and fast."

The "heavenly hue" of all language comes from imagi-

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nation, and cannot be caught from the lexicon ; and the fact that this has been thrown over madness, error, lust, and intemperance, is too notorious to admit of doubt. From a single page of Shelley's writings, there can be selected as many examples of the true power of imagination, as defined by Talfourd, as animate, we had almost said, a whole book of the "Excursion" ; and it is equally true, that the images themselves are as likely to be the embodiment of restlessness, discontent, pantheistic abstractions, and other "spiritualities" of our nature, as of ideas, feelings, and sentiments springing from a harmonized heart and brain. Indeed, the illustrations from Shakspeare, which, in the essay on Wordsworth, Talfourd adduces as instances of the highest exercise of the faculty, are nothing more than the throes of the imagination in a mind either turbulently confused, or fixedly and sullenly misanthropic — as with Lear in his ecstasies of passion, or Timon in his intensest hatred of his kind. And it is a curious fact that, in the composition of these dramas, Shakspeare himself was expressing to some extent the gloom of his own great soul, when it was in a condition altogether inharmonious and *un-Wordsworthian*. Hallam very acutely remarks, "There seems to have been a period of Shakspeare's life, when his heart was ill at ease and ill-content with the world or his own conscience ; the memory of hours misspent, the pang of affection misplaced or unrequited, the experience of man's worser nature, which intercourse with ill-chosen associates by choice or circumstances, peculiarly teaches ; these, as they sunk down into the depths of his great mind, seem not only to have inspired into it the conception of Lear and Timon, but that of one primary character, the censurer of mankind." He then proves that the plays, in which this misanthropical spirit is manifested, "As You Like It," "Hamlet," "Measure for Measure," "Timon," and "Lear," all belong to one period — between 1600 and 1604. After this time, "Shakspeare never returned to this type of character in the personages."

It can hardly be denied, that Wordsworth possesses the power of imagination in a high degree ; but it can be denied, that the seeming harmonious action of his mind results from his possession of it. Talfourd, in another connexion, has a sentence which, to us, seems to explain the whole matter. Speaking of Mackenzie's sentimental style, he observes, "its

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consecrations are altogether drawn from the soul. The gentle tinges which it casts on human life are shed not from the imagination or fancy, but from the affections." This is true of much that is poetical in Wordsworth. His mind, by original constitution and the circumstances attending its culture, — from the predominance of the gentler affections over the passions, and of the musing and meditative over the impulsive portion of his nature, — is less unrestful and stormy than the minds of the large majority of great poets. But whether it be more richly gifted with a shaping imagination, is altogether a different question, with which the rounded harmony of his powers and affections has little to do. Indeed, to give imagination the office not only of expressing thought and feeling in pictures, but of exercising likewise all those functions which belong to volition, conscience, the affections, and the religious sentiment, is to violate all metaphysical propriety.

To assert that the imagination can never reflect the unreal, or be the spring of any "irregularities of genius,"—can never throw a deceptive hue over outward objects, and lead the mind astray, — can never pander to lust and "link vice to a radiant angel," — is to give the lie direct to the "Lives of the Poets." The imagination can, it is true, embody truth and goodness in the shapes and hues of grandeur and beauty; but it can do, and it has done, the same to licentiousness, skepticism, and misanthropy. This is generally called imagination perverted; but in Talfourd's system, the faculty is essentially incapable of perversion. If the poetic faculty had always been employed in the service of truth and goodness — if by its very nature it were pure and beyond the touch and stain of bad passions — if all its creations were unsullied by sin — the objections which many good and respectable, but somewhat narrow-minded, people entertain for what are called works of imagination, would be the most senseless prejudices ever held by human beings.

We have considered Talfourd's views on this subject at some length, because they materially influence the character of his criticisms, especially upon the impulsive poets of the school of Byron and Shelley. He is not, it must be confessed, always consistent in the application of his principles; but they are still obstinately intruded upon the reader's attention, and arouse at last that nervous opposition, which a

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smooth and pleasant sophism, pranked out in the purple and fine linen of language, would at first fail to excite. We also object to his theory on another ground. It is the parent of much cant, which is growing into fashion among many of our own writers, about the inherent religion of poetry. Every young bard who stains foolscap with octo-syllabic or seven-syllabled verse, squeaking with "utterances" and "morning glories," is in danger of conceiving himself, by virtue of his imagination, "a sinless child"; and in men of a higher order of mind, it is working a graver evil, by inducing them to exalt poetry above the Bible, — to deny altogether the inspiration of the New Testament, even in its sublime promises, and to believe altogether in the inspiration of Shakspeare, even in his puns and indecencies.

As far as our author's criticisms are uninfluenced by his championship of Wordsworth, they are able and eloquent. His opinions appear formed from a long-continued brooding over the works of which he is speaking. The essay on the writings of Wordsworth is one of the most beautiful tributes of admiring gratitude ever paid to genius; and although excessive in the strain of eulogy, and containing some questionable principles of taste, cannot be read without delight even by poetical sectarians. The finest passage is that in which he vindicates his master from the charge of displaying bad taste, both in the choice of his themes and in his rejection of the usual blandishments of diction.

"But most of the subjects of Mr. Wordsworth, though not arrayed in any adventitious pomp, have a real and innate grandeur. True it is, that he moves not among the regalities, but among the humanities of his art. True it is, that his poetry does not 'make its bed and procreant cradle' in the jutting frieze, cornice or architrave of the glorious edifices of human power. The universe, in its naked majesty, and man, in the plain dignity of his nature, are his favorite themes. And is there no might, no glory, no sanctity in these? Earth has her own venerablenesses — her awful forests, which have darkened her hills for ages with tremendous gloom; her mysterious springs pouring out everlasting waters from unsearchable recesses; her wrecks of elemental contests; her jagged rocks, monumental of an earlier world. The lowliest of her beauties has an antiquity beyond that of the pyramids. The evening breeze has the old sweetness which it shed over the fields of Canaan, when Isaac went out to meditate. The Nile swells with its rich waters towards the bulrushes of Egypt, as when the infant

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Moses nestled among them, watched by the sisterly love of Miriam. Zion's hill has not passed away with its temple, nor lost its sanctity amidst the tumultuous changes around it, nor even by the accomplishment of that awful religion of types and symbols which once was enthroned on its steeps. The sun to which the poet turns his eye is the same which shone over Thermopylæ; and the wind to which he listens swept over Salamis, and scattered the armaments of Xerxes" — p. 129.

The essay on the genius of Scott is discriminating and well-written. Indeed, there is hardly one among the twenty-three essays and reviews which form the Philadelphia collection of Talfourd's writings, which will not repay a careful perusal. If they do not belong to the stimulative class of compositions, neither can they be ranked among the narcotics. Perhaps the term "sedative" would describe them best. The richness of the author's mind and heart is lavished upon all. A fine detecting sense of moral and intellectual beauty — a sensibility both quick and deep — an imagination, affluent in images of grace and loveliness — a perfect command of ornate and picturesque language — are manifested in his treatment of every subject; and his occasional fallacies seem to spring from a desire to vindicate those mental qualities intended for the service of goodness and virtue, from the obloquy of having ever thrown a false glare around error and crime. In his notices of those poets who have met his moral wants and natural sympathies; who have been for years the cherished companions of his heart, and given voice and shape to his affections and feelings; who have surrounded his path with forms of beauty and grace, and nursed all the tendencies of his nature to pensive musing with gentle and holy thoughts and emotions; who have become, in short, part and parcel of himself, and melted into his own being, Talfourd is almost always a worshipper rather than a critic, but a worshipper equalling in eloquence the idol to which he bends. His description of a writer's powers is so warm and kindling, and he claims for him such high qualities, that we are apt to meet with disappointment when we turn to the object of his eulogy, to verify the panegyric; and we often feel a sense of shame come over us, that ideas and images which can awaken in his nature such vivid perceptions of loveliness, power, and grandeur, should often fall into our own,

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> "Like-snow flakes on a river,
> One moment bright, then lost for ever."

Talfourd's sympathy sharpens his intellectual acuteness. The most recondite gleam of beauty in thought, or felicity in expression, he detects with a delicacy and discrimination which none but a poet could employ. His mind darts, with the speed of instinct, to the comprehension of the most subtle idea or allusion which reaches his imagination through his heart. He is almost an epicurean in his appreciation of some classes of poetry. He absolutely feeds on tenderness of sentiment and intellectual beauty. To all writers of the tempestuous school, who come to him with heart-shattering miseries, riotous and noisy in turged epithets and swelling diction, and demanding the sympathy and commiseration of the whole universe, he seems to exclaim, "disturb not my peace with your wailings; my balm can assuage none of your pains; you have no imagination, but only a tyrannous sensibility and a fatal fluency of language"; but to those who come to him with more harmony of tongue and motion, who are at once "meek and bold," and who make no unnecessary parade of metaphor and sinfulness, he adopts a different strain of remark, and gives them a home in the inmost sanctuaries of his heart.

Numerous extracts might be made in illustration of our remarks on these essays. We have space but for a few, although the richness of the materials would warrant many. The following is a fine tribute to Coleridge, containing, however, a few observations, in which most readers will hardly concur.

"Not less marvellously gifted, though in a far different manner, is Coleridge, who, by a strange error, has been usually regarded as belonging to the same school, partaking of the same peculiarities, and upholding the same doctrines. Instead, like Wordsworth, of seeking the sources of sublimity and of beauty in the simplest elements of humanity, he ranges through all history and science, investigating all that has really existed, and all that has had foundation only in the strangest and wildest minds, combining, condensing, developing, and multiplying the rich products of his research with marvellous facility and skill; now pondering fondly over some piece of exquisite loveliness, brought from a wild and unknown recess; now tracing out the hidden germ of the eldest and most barbaric theories; and now calling fantastic spirits from the vasty deep, where they have slept since the

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dawn of reason. The term 'myriad-minded,' which he has happily applied to Shakspeare, is truly descriptive of himself. He is not one, but Legion — 'rich with the spoils of time,' richer in his own glorious imagination and sportive fantasy. There is nothing more wonderful than the facile majesty of his images, or rather of his worlds of imagery, which, even in his poetry or his prose, start up before us self-raised and all perfect, like the palace of Aladdin. He ascends to the sublimest truths, by a winding tract of sparkling glory, which can only be described in his own language —

> "'the spirits' ladder,
> That from this gross and visible world of dust
> Even to the starry world, with thousand rounds
> Builds itself up; on which the unseen powers
> Move up and down on heavenly ministries —
> The circles in the circles, that approach
> The central sun with ever-narrowing orbit.'"

"In various beauty of versification, he has never been exceeded. Shakspeare, doubtless, has surpassed him in linked sweetness and exquisite continuity, and Milton in pure majesty and classic grace — but this is in one species of verse only — and, taking all his trials of various metres, the swelling harmony of his blank verse, the sweet breathing of his gentler odes, and the sybil-like flutter alternate with the murmuring charm of his wizard spells, we doubt if even these great masters have so fully developed the music of the English tongue. He has yet completed no adequate memorials of his genius; yet it is most unjust to assert, that he has done nothing or little. To refute this assertion, there are his noble translation of *Wallenstein* — his love-poems of intensest beauty — his *Ancient Mariner*, with its touches of profoundest tenderness amidst the wildest and most bewildering terrors—his holy and most sweet tale of *Christabel*, with its rich enchantments and its richer humanities — the depths, the sublimities, and the pensive sweetness of his tragedy — the heart-dilating sentiments scattered through his '*Friend*' — and the stately imagery which breaks upon us at every turn of the golden paths of his metaphysical labyrinths. And, if he has a power within mightier than that which even these glorious creations indicate, shall he be censured because he has deviated from the ordinary course of the age, in its development; and, instead of committing his imaginative wisdom to the press, has delivered it from his living lips? He has gone about in the true spirit of an old Greek bard, with a noble carelessness of self, giving fit utterance to the divine spirit within him. Who that heard can ever forget him — his mild benignity — the unbounded variety of his knowledge — the fast succeeding products of his imagination — the

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childlike simplicity with which he rises, from the driest and commonest theme, into the widest magnificence of thought, pouring on the soul a stream of beauty and of wisdom to mellow and enrich it for ever! The seeds of poetry which he has thus scattered, will not perish. The records of his fame are not in books only, but on the fleshly tablets of young hearts, who will not suffer it to die even in the general ear, however base and unfeeling criticism may deride their gratitude!" — pp. 212 – 214.

In the article on Mackenzie, there is a felicitous and discriminating sketch of Sterne, which we extract:

"We think that, on the whole, Mackenzie is the first master of this delicious style. Sterne, doubtless, has deeper touches of humanity in some of his works. But there is no sustained feeling — no continuity of emotion — no extended range of thought, over which the mind can brood in his ingenious and fantastical writings. His spirit is far too mercurial and airy to suffer him tenderly to linger over those images of sweet humanity which he discloses. His cleverness breaks the charm which his feeling spreads, as by magic, around us. His exquisite sensibility is ever counteracted by his perceptions of the ludicrous, and his ambition after the strange. No harmonious feeling breathes from any of his pieces. He sweeps "that curious instrument, the human heart," with hurried fingers, calling forth in rapid succession its deepest and its liveliest tones, and making only marvellous discord. His pathos is, indeed, most genuine while it lasts; but the soul is not suffered to cherish the feeling which it awakens. He does not shed, like Mackenzie, one mild light on the path of life; but scatters on it wild corruscations of ever-shifting brightness, which while they sometimes disclose spots of inimitable beauty, often do but fantastically play over objects dreary and revolting. All in Mackenzie is calm, gentle, harmonious. No play of mistimed wit, no flourish of rhetoric, no train of philosophical speculation, for a moment diverts our sympathy. Each of his best works is like one deep thought, and the impression which it leaves, soft, sweet, and undivided as the summer evening's holiest and latest sigh!" — pp. 20, 21.

We cannot refrain from copying the following beautiful, yet somewhat exaggerated, estimate of the genius of Barry Cornwall, not so much for its intrinsic merit, as for its affording hearty praise to a fine poet, who has been ridiculed and maligned with much coarse inhumanity by a class of political critics in his own country.



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"Barry Cornwall, with the exception of Coleridge, is the most genuine poet of love, who has for a long period appeared among us. There is an intense and passionate beauty, a depth of affection, in his little dramatic poems, which appear even in the affectionate triflings of his gentle characters. He illustrates that holiest of human emotions, which, while it will twine itself with the frailest twig, or dally with the most evanescent shadow of creation, wasting its excess of kindliness on all around it, is yet able to 'look on tempests and be never shaken.' Love is gently omnipotent in his poems; accident and death itself are but passing clouds, which scarcely vex, and which cannot harm it. The lover seems to breathe out his life in the arms of his mistress, as calmly as the infant sinks into its softest slumber. The fair blossoms of his genius, though light and trembling at the breeze, spring from a wide, and deep, and robust stock, which will sustain far taller branches without being exhausted. In the vision where he sees 'the famous Babylon,' in his exquisite sonnets, and yet more in his *Marcian Colonna*, has he shown a feeling and a power for the elder venerableness of the poetic art, which, we are well assured, he is destined successfully to develope." — p. 215.

The work on which Talfourd has expended the full wealth of his genius, is the tragedy of "Ion." Schlegel says, in his observations on Lear, "Of the heavenly beauty of Cordelia, I do not dare to speak." A moral fear of a similar nature should come over the heart of every critic, who attempts to "break into parts for separate contemplation" this exquisite creation of our author's mind. A person who reads it in an earnest, sympathizing spirit, and allows the full stream of its harmony to flow at once into his heart, conscience, and imagination, is in little danger of exaggerating its excellence by hyperbolical panegyric. The fine humanity which breathes through it touches the finest chords of the moral nature. Its ideal of greatness and virtue is the same which Christ taught and realized. It teaches, that gentleness is power, and self-sacrifice the noblest ambition. The flow of the verse, the exquisite nicety of the language, the picturesque beauty of the imagery, the holiness and elevation of the thoughts, the delicious purity and sweetness of the tone of the composition, and the rare spiritual harmony with which it is pervaded, entitle it to a very high rank among the great poems which no age will willingly let die. The character of Ion is the embodiment of moral beauty. It could have

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risen from the depths of no soul but one of singular purity and loveliness. It is one of those "things of beauty," which become a "joy for ever." It "floats like a lily, on the river of our thoughts." Any objections to the work which criticism may raise, cannot break one link in that golden chain by which it is bound to our deepest sympathies and highest imaginations.

Talfourd is the author of two other tragedies, which have less merit and celebrity than "Ion"—"The Athenian Captive," and "Glencoe." Both are well written, and if produced by any other man than the author of "Ion," would be justly esteemed as evincing considerable dramatic power, force of thought, and fineness as well as strength of imagination. But their intrinsic excellence is underrated from their being tried by the standard which their elder brother established. "Glencoe," in particular, is a noble drama, replete with grandeur and beauty of sentiment and expression, and displaying much skill in the delineation of character.

The exuberance of imagination and sensibility, which Talfourd manifests in all his compositions, seem to indicate that his true vocation is poetry. In kindly feeling, in genial sympathy with his race, in that running over of the heart in the worship of all that is great and good in character and life, in all those qualities which mark the musing and imaginative poet, he is perhaps not excelled by any contemporary. Still, with a nature which seems so singularly fitted for the quiet pursuits of literature, his life thus far must have been somewhat practical. He is a distinguished lawyer and politician. His literary productions have been conceived and executed in the pauses of active professional business. He is one of those authors, against whom we never bring the complaint of having written too much. Indeed, we wish that he would abandon other avocations, and devote himself wholly to letters. This wish, as generally applied, we know, is nothing more than a sickening expression of mawkishness and hypocrisy; but in the case of Talfourd, it springs directly from the heart of every reader who has drawn delight and mental nourishment from his writings. We rather grudge the hours which poets of his class devote to more worldly duties. We imagine we have a moral claim upon their souls, and hardly acknowledge their right to give their powers any other direction than what seems at once to be their natu-

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ral tendency, and to minister to our highest pleasures. If, however, our author should not add one line to what he has already written, his name is sure to be warmly cherished by those to whom his works have been pleasant and profitable companions, with familiar faces ever beaming with benignity and sinlessness ; whose love of moral and intellectual excellence he has kindled or elevated ; and who can pardon an occasional paradox or fallacy, when it springs from a desire to vindicate the intrinsic nobleness of the poet's vocation, and is associated with such high moral principle, and so many valuable and soul-animating truths.

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ART. IV. — *Collections of the Massachusetts Historical Society.* Vol. VIII. of the Third Series. Boston : Charles C. Little and James Brown. 1843. 8vo. pp. 348.

AFTER an interval longer than usual, the Massachusetts Historical Society has made another valuable addition to its rich collections. Our attention has been drawn to the present volume, specially, by a communication contained in it from Mr. F. C. Gray, relating to the early laws of Massachusetts ; of which we shall speak more particularly, after a cursory notice of the matters which precede it.

The first article is a translation of a part of the "History of Ferdinand and Isabella" by Bernaldez ; a work never printed. The part translated is taken from a manuscript copy, belonging to Mr. Prescott, the author of the history of the same royal couple. It is confined to the account of Columbus, which derives its principal interest from the circumstance that he was a favorite guest of the author, who was curate of Los Palacios, a town of Andalusia, in Spain. Bernaldez framed his simple narrative, partly from oral communications derived from personal intercourse with Columbus, and partly from the papers which the great navigator placed in his hands.

This extract is followed by a brief narrative of Bartholomew Gosnold's voyage in 1602, and the consequent attempt to colonize New England. Gabriel Archer's "Relation,"

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which appears to be a correct chronological journal, is taken from Purchas's Pilgrims. Brereton's letter to Sir W. Raleigh is printed from a transcript presented to the Massachusetts Historical Society by Mr. Aspinwall, American consul in London; to which are appended several tracts printed from transcripts procured by Professor Sparks in London.

Gosnold was the first English navigator who made a direct voyage to this continent. He sailed from Falmouth on the 26th of March, 1602, and reached a cape on the 15th of May, near which the crew "took great store of codfish"; and it was consequently named Cape Cod. The first landing of the company was on the most westerly of a group of islands in Buzzard's Bay, which was called, in honor of the Queen, Elizabeth, a name since transferred to the whole cluster.

The description of the spot where Gosnold erected a house and fort, — namely, an islet of about one acre of ground, in a small lake or pond, on the northwesterly side of the island, is so exact as to leave no doubt of the locality. The cellar of the store-house was discovered by Dr. Belknap in 1797; and "in the summer of 1817," say the committee of publication of the Historical Society, "several of the members of the Society visited the Elizabeth Islands, and examined the precise spot of Gosnold's settlement. It is perfectly well defined, and is on a small islet in a pond, on an island now known by its Indian name, *Cuttyhunk*."

The company visited the main land opposite the island, which is described by Brereton as a paradise, or a place which might easily be made such; where all the beauties of a landscape were so grouped, "as if nature would show herself above her power, artificial." But some of the company soon became discontented. There was a charm in the thought of home surpassing the delight of a garden in the wilderness. On the sixteenth day after the landing, says Archer, "began some of our company, that had before vowed to stay, to make revolt; whereupon the planters diminishing, all was given over. On the 18th of June, Gosnold, with thirty-two men, being the whole number which accompanied him, returned to England.

In the "tracts appended to Brereton," are some curious speculations concerning the benefits which England might

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derive from colonizing the country visited by Gosnold. Among these is a theory, grounded on geographical probabilities, concerning "a convenient passage and trade with the South Sea, under temperate regions, part by rivers, and some part over land in the continent of America"; with ultimate reference to trade with "China, and those passing rich countries, lying in the East parts of the world." After the lapse of nearly two centuries and a half, this speculation, founded on more geographical knowledge, is revived; and still, to most persons, probably, appears idle and visionary.

The next article is entitled "A true Relation of the most prosperous Voyage made by Captain George Weymouth, in the Discovery of the Land of Virginia, where he discovered, sixty miles up, a most excellent River, together with a most fertile Land. Written by James Rosier, a Gentleman employed in the Voyage. Londoni: Impensis Geor. Bishop. 1605."

"In the fourth volume of Purchas's Pilgrims," say the society's committee of publication, "is a chapter containing extracts from this work. The whole is here reprinted from a transcript procured by Professor Sparks." The river discovered by Weymouth was undoubtedly the Penobscot, which, together with the surrounding country, is described by Rosier in the most glowing language. After a month's exploration of the river and the neighbouring coast and country, and the kidnapping of five of the natives, as specimens of the race, the voyagers set sail for England. This was in the middle of June, when the earth, as well in its wild as in its cultivated state, is covered with its rich mantle of green. On the eve of departure, Rosier pours out, from the fulness of his heart, the following valedictory speech.

"For we having now, by the direction of the Omnipotent Disposer of all good intents, (far beyond the period of our hopes,) fallen with so bold a coast, found so excellent and secure harbor, for as many ships as any nation professing Christ is able to set forth to sea; discovered a river, which the all-creating God, with his most liberal hand, hath made above report notable with his foresaid blessings, bordered with a land, whose pleasant fertility bewrayeth itself to be the garden of nature, wherein she only intended to delight herself, having hitherto obscured it to any, except to a purblind generation, whose understanding it hath pleased God to darken, as they can neither discern, use, or

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rightly esteem the invaluable riches in midst whereof they live, sensually content with the bark and outward rinds, as neither knowing the sweetness of the inward marrow, nor acknowledging the Deity of the Almighty; having, I say, thus far proceeded, and having some of the inhabitant nation (of best understanding we saw amongst them), who (learning our language) may be able to give us further instruction concerning all the premised particulars, as also of their governors and government, situation of towns, and what else shall be convenient, which by no means otherwise we could by any observation of ourselves learn in a long time; our captain now wholly intended his provision for speedy return." — pp. 152, 153.

Last of these itineraries is "A Voyage into New England begun in 1623, and ended in 1624, Performed by Christopher Levett, his Majesty's Woodward of Somersetshire, and one of the Council of New England. Printed at London by William Jones, 1628." This also is printed from a transcript procured by Professor Sparks in England. The author seems to have been born for a traveller. His buoyant spirit never sunk under the pressure of outward evils. He appears to have been a sincere Christian, as well as a merry one, and his constant forbearance and infinite good nature, secured to him the universal friendship and kind offices of the natives of the wilderness. The first place, he says, that he set his foot upon in New England, was the Isle of Shoals; where he "neither could see one good timber tree, nor so much good ground as to make a garden." He then sailed to the Piscataqua, whence his travels were wholly eastward. He finally took up his abode, for a while, at a place "about two leagues to the east of Cape Elizabeth," which he called York. There he "built a house, and fortified it in a reasonable good fashion," but soon abandoned it.

He concludes with certain directions for those who "intend to go into New England to plant"; among which are the following:

"It is a country where none can live except he either labor himself, or be able to keep others to labor for him.

"If a man have a wife and many small children, not to come there, except for every three loiterers he have one worker; which if he have, he may make a shift to live and not starve.

"If a man have but as many good laborers as loiterers, he shall live much better there than in any place I know.

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"If all be laborers, and no children, then let him not fear, but to do more good there in seven years, than in England in twenty." — p. 190.

We pass now from this slight notice of the doings of some of the pioneers in the work of colonization, to the provision made by the colonists for mutual protection, after they had secured a permanent abode in New England. The article in the Historical Collections pertaining to this subject, to which we have already adverted, is entitled: "Remarks on the Early Laws of Massachusetts Bay; with the Code adopted in 1641, and called THE BODY OF LIBERTIES, now first printed. By F. C. Gray, LL. D."

The circumstances attending the colonization of New England were peculiarly favorable to the establishment of a wise system of civil polity, and to the enactment of equal and wholesome laws. The first colonists of Plymouth, who were men of a like mould to those of Massachusetts who came after them, had passed through a kind of training which eminently fitted them for self-government; such as made them feel that civil freedom, and religious freedom too, as they understood it, were every thing that was worth living for. By a favorable course of events, combined with their personal character, they were enabled to assume at once a form of government virtually independent, and they consequently bound themselves, as a civil body politic, to the faithful observance of such laws and ordinances as should be framed. In this there was great wisdom and foresight; uniting liberty and law in close alliance, and showing that they well understood what William Penn, more than half a century afterwards, well expressed, in proclaiming his government for Pennsylvania; namely, that "liberty without obedience is confusion, and obedience without liberty is slavery."

The political character of the people of New England may be traced, in a great degree, through the period of their colonial history, and in their subsequent organization of their forms of government, to this beginning. The Pilgrims, as we are wont to call them, had, before embarking, extorted from James, not the assurance of unconditional toleration of their religious faith and forms of worship, but a promise that he would abstain from strict scrutiny into their ecclesiastical matters, so long as they conducted themselves quietly. It was not until they had thus gained the royal acquiescence in

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conducting what was most dear to them according to their own pleasure, that they would consent to receive a patent from the company in England. Then followed the sacrifices they made in procuring a common fund, sufficient to provide very humble means for embarking for the new world.

Their fitness to become the founders of a new empire is demonstrated by such facts, and, indeed, by the whole history of their preparation for their voyage, and of the energetic measures by which all their purposes were accomplished. Their virtues, like their religion, were of the sternest cast, such as were not only favorable to republicanism, but capable of sustaining a pure democracy. Though they came out of a land whose constitution was made up of precedents, they were wise enough to frame a written civil covenant, which proved a sufficient basis for legislation and the operation of executive authority, while equality was not impaired, and all governed each. A circumstance unforeseen came in aid of the formation of this new republic. The emigrants finding that they were to be landed out of the bounds of the South Virginia company, from which they had received their patent, bethought themselves how they should use their liberty. It is said there were indications that, with some, it would degenerate into licentiousness. Hence the larger and better part saw how dangerous it might prove, should each one do what he listed; and consequently the compact was executed before the company disembarked.

All power was exercised by the people, either in their primary assemblies, or by delegating it to a governor and assistants chosen annually. The governor and assistants were clothed as well with judicial as with executive authority. A code of laws was not enacted at one time; and for several years the governor, with a single assistant, probably decided all causes according to the common laws of England, or to his own sense of right and equity. Even trial by jury of criminal cases, trespasses, and debts was not decreed by the "Court," that is, the assembly of the people, until three years after the commencement of the colony. Several years more expired before any laws were enacted, except those concerning prudential affairs; such as the prohibition of the export of lumber without the consent of the governor and council; the forbidding of "handicraftsmen to use their



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science or trade for any strangers or foreigners, till such time as the necessity of the colony be served"; and the regulations respecting the divisions of lands.

The civil and ecclesiastical affairs of the colony were conducted like those of any voluntary association, forming and executing its own by-laws. Dependence on the crown was indeed acknowledged, though for the most part tacitly; since for many years nothing occurred to produce collision, and since the people were not numerous nor powerful enough to stir the jealousy of the British government, nor rich enough to excite its cupidity. A germ of independence was expanding unnoticed. Had it been perceived, it would have been nipped untimely.

In January, 1630, the company incorporated by King James in 1620, "by the name of the Council established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of New England in America," for certain good and sufficient reasons thereunto moving them, granted to William Bradford, his associates, and assigns, a part of New England which had been given to the corporation by the royal patent. By the same grant, the colony was authorized to make all necessary laws for its own government, not repugnant to the laws of England. Thus were the people by legal deed saved from all exposure to foreign legislation, which had not indeed been hitherto exercised, but to which they might otherwise have become subjected at a future period. Nearly two years before this grant to the Plymouth colony, the same council had sold to a few associates the territory of a part of which Massachusetts consists. Several respectable non-conformists, of considerable wealth, purchased rights of the associates, with the intention of providing a place of refuge for their silenced ministers; and they formed their plans for settlement in the new world, where they might enjoy unmolested their own system of religious worship and discipline. A few persons were sent as pioneers, under the government of John Endicott; a man, says Johnson, in his work entitled "Wonder-working Providence," who was "a fit instrument to begin this wilderness work; of courage bold, undaunted, yet sociable, and of a cheerful spirit, loving or austere, as occasion served." His commission was, to advance the plantation at Naumkeak, (Salem,) which had already been indicated as a favorable

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retreat, and, in general, to manage the affairs of the associated grantees.

The company by which these movements were made, was incorporated by letters patent from Charles the First, by the name of "the Governor and Company of the Massachusetts Bay in New England," and John Endicott was appointed Governor.

Among those who proposed to emigrate, besides learned clergymen devoted to their work, were many persons of considerable property, of good education, and of habits of sober reflection; men who were too considerate, and placed too high a value on civil and religious freedom, to subject themselves unwillingly to the changes and caprices of a distant proprietary government. Accordingly, after grave deliberation and thorough debate in council, it was agreed that the government should be transferred to New England, and officers were chosen from among those who purposed to embark with their households to found the new colony.

What the people of the Plymouth colony procured by accident, namely, the undisturbed enjoyment of self-government, the sagacious men who proposed to emigrate to Massachusetts provided for with prudent foresight. Filled with the zeal and constancy of martyrs, they were the very men to found a government on the broad and firm basis of the natural inherent rights of man; to impart to those who followed them, and to transmit to their successors, that unyielding spirit of civil freedom, which was closely allied to their unwavering energy in maintaining their religious liberty. Their success in transferring the government from the English proprietors to the colony was followed by remarkable results, and gave a powerful impulse to emigration. It may be easily conceived with what different feelings emigrants would join a community in which they could choose their own rulers, and become subject to laws made by men immediately accountable to the people, from those which they would have experienced under subjection to a government three thousand miles distant.

Immediately after the government of Massachusetts was fixed on a system so consonant with the wishes of those who projected the settlement of the colony, John Winthrop was chosen governor. He arrived at Massachusetts Bay, with a fleet of twelve ships, containing fifteen hundred persons,

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on the 6th of July, 1630. The first Court of Assistants was held at Charlestown, on board the Arabella, on the 23d day of the succeeding month. The first General Court was held in Boston, on the 19th of October. It was then and there resolved, that the freemen should choose the assistants; that the assistants should elect the governor and deputy-governor from their own number, and that they should together constitute one body for making laws and appointing officers to execute them. But, as if they had rashly surrendered a privilege that they ought to keep in their own hands, the freemen, when assembled in General Court early in the next year, voted to resume the right of election, as well of governor and deputy-governor, as of assistants.

Several planters were declared freemen at the first General Court. The whole number, however, does not appear to have exceeded one hundred, though the population amounted to two thousand, including the inhabitants of Salem. There is no evidence that the smallness of the number who were originally admitted to the rights of freemen was occasioned by any severe scrutiny in regard to their admission. The probable fact is, that many were at first unambitious of the distinction, believing that the government was in good hands, and that their rights would be well secured. In the second year, however, an exclusive principle was adopted by a decree of the General Court, which provided that none should be admitted as freemen who were not in full communion with the church. This measure debarred all who were not communicants from the privilege of voting at elections, and serving in the offices of jurors and magistrates. Such a decree, as it may well be supposed, occasioned great discontent among those who had not previously claimed their title to be received as freemen. Voluntary neglect of a privilege the value and importance of which are not immediately perceived and appreciated, is a very different thing from being precluded from its use without one's consent. The same man who, under certain circumstances, might be tempted to sell his liberty for a bare maintenance, would, at the same time, revolt against servitude enforced by physical violence.

Notwithstanding this false limitation of civil rights, the Puritans of Massachusetts were inspired with the same spirit of freedom which pervaded the mass of their brethren whom they left behind them in their native land. It was the Puri-

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tans who kept alive the spark of liberty during the reign of the Stuarts. Their sacrifices in behalf of religious and civil liberty continued to be dedicated on the same altar of conscience. They were the sacrifices prompted by the spirit of man which is in him. Doubtless the freemen of Massachusetts valued their peculiar notions of religion and church government in a degree proportioned to the sacrifices they had made for obtaining the full enjoyment of them. Their whole ambition, if it may be so called, was to secure and perpetuate what they had won by their perseverance. All opposition, all diversity, or even indifference to their views of religious matters, seem to have been regarded by them as trials of their strength; and therefore to be met with precaution, and, if need were, by resistance and even proscription, at the beginning.

Although the increase of the freemen was greatly checked by the arbitrary manner in which they were admitted to that distinction, they soon became too numerous for a legislative body. Indeed, they had intrusted the affairs of the colony, from the beginning, mainly to the governor and assistants. But in the year 1634, the several towns, some of them being more than thirty miles from Boston, deputed by common consent one or more of their most distinguished inhabitants to appear as representatives of the freemen of the General Court to be held at Newtown [Cambridge]. When convened, they passed several resolutions respecting the powers and duties of the General Court; made choice of magistrates; established a law for trial by jury; determined that the freemen should meet annually for making elections of officers of the government, and sending deputies to the General Court to legislate in their behalf. Of the circumstances attending these changes in the affairs of government, we shall speak more particularly in the sequel.

The Government, which had before borne a kind of patriarchal character, now assumed so much the form of a self-constituted republic, as to rouse the jealousy of Charles the First, who commissioned the Archbishop of Canterbury and others with authority to govern the plantations, and "to make laws and constitutions concerning either their *state* public or the utility of individuals." With almost inconceivable absurdity, they were empowered to provide for the support of the clergy, by requiring "tithes, oblations,

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and other profits according to their discretion; to inflict punishment on those who should violate their ordinances; to remove governors of plantations, and to appoint others; and to constitute tribunals, and courts of justice ecclesiastical and civil, with such authority and form as they should think proper." This mockery, however, was not to have its completion until the laws of the royal commission should be approved by the king and proclaimed in the colonies.

The tyrannical proceedings of his Majesty extended still farther. The commissioners were made a court of inquisition, with authority to take cognizance of criminal charges against a colony, its governor, or persons concerned in the management of its public affairs, and at their discretion to transport the offenders to England for punishment. Even the original charters of the colonies were subjected to captious investigation, and the commissioners were required not only to revoke those which had been unfairly obtained, (a great stretch of discretionary power,) but also to annul such as contained provisions too liberal for the safety of the royal prerogative.

Fortunately, while Massachusetts had been waxing stronger, the power of the crown was on the wane. The instructions to the Lords Commissioners, and the authority with which they were invested, though threatening in appearance, proved impotent in the result. The magistrates of Massachusetts called the clergy of the colony together in a body, who, in answer to the question, "What ought to be done if a general governor should be sent out of England," agreed unanimously, that the Colony ought not to receive him, but to maintain their rights, if able; "otherwise, to avoid or protract." Sir Ferdinando Gorges was appointed governor-general in 1637, but he never assumed the authority of the office. At the same time, the king forbade by proclamation the emigration of his subjects to the American Colonies, unless with special license, after having taken the oath of allegiance and conformed to the discipline of the English Church. But prelatical power was suffering a rapid decline, and the royal prohibition proved almost nugatory.

In the year last mentioned, on the plea that the Colony of Massachusetts had violated its charter, a *quo warranto* was issued, and judgment given, that the liberties of the Colony should be seized by the king. The judgment was not serv-

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ed by legal process ; but the governor and company of Massachusetts were ordered by the privy council to surrender their patent. The government of the Colony, having found by past experience, that prompt compliances with royal mandates were not always expedient, and that benefit sometimes followed delay, instead of sending back their charter, directed a petition to the Commissioners, couched indeed in humble language, but manifesting a readiness to make their defence.*

The attempts of Charles to deprive Massachusetts of privileges so precious, and to establish despotic rule in New England, died out amidst the troubles which absorbed his thoughts at home. Meanwhile, the New-England colonies were extending and increasing in population. Freed for a time from royal interference, after the abortive attempts to deprive Massachusetts of her charter, they were left for a while to the undisturbed management of their own affairs. It was a fortunate season of repose from the oppressive designs of the crown, for serious apprehensions were soon afterwards entertained, by the inhabitants of Connecticut and New Haven, of hostilities from the Dutch and from their Indian neighbours. Their well-grounded fears excited the sympathy of Plymouth and Massachusetts, and on the 19th of May, 1643, Plymouth, Massachusetts, New Haven, and Connecticut formed a permanent confederacy for common succour and defence, under the name of THE UNITED COLONIES OF NEW ENGLAND ; a confederacy wisely conceived and wisely timed. It was a type of similar combinations which followed, and which terminated in the revolutionary government and confederacy of the United States.†

* " We dare not," said the petitioners, " question your Lordships' proceedings in requiring our patent to be sent unto you ; we only desire to open our griefs ; and if in any thing we have offended his Majesty or your Lordships, we humbly prostrate ourselves at the foot of supreme authority. We are sincerely ready to yield all due obedience to both ; we are not conscious that we have offended in any thing, as our government is according to law ; we pray that we may be heard before condemnation, and that we may be suffered to live in the wilderness " More than forty years afterwards, when the agents of the Colony in England expressed their convictions, in despatches to the General Court, that no favor could be expected from the crown unless the charter should be subjected to such modifications as should satisfy the king ; the Court resolved, that " it was better to die by the hand of others, than by their own."

† The celebration, on the 29th of May last, (allowing for the difference of old and new style,) of the two hundredth anniversary of this event, by the

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There seems to have been no haste in establishing a code of laws in the Massachusetts Colony. The charter provided, that the government should be administered by a governor, a deputy-governor, and eighteen assistants chosen from the freemen; and that four general assemblies should be held every year, including the freemen; at one of which assemblies, the governor and other officers should be chosen. The General Assembly was also empowered to make laws and ordinances, (*not contrary or repugnant to the laws of England,*) for the welfare of the Colony. Though for a time there was a general acquiescence in the administration of affairs by the Governor and assistants, yet jealousy of their discretion occasionally manifested itself, and the people became impatient for a body of laws.

The first manifestation of discontent mentioned by Mr. Gray, is that of the people of Watertown, (1632,) who, being assessed in the sum of eight pounds by the Court of Assistants, were told by their Pastor and Elder, "that it was not safe to pay moneys after that sort, for fear of bringing themselves and posterity into bondage." The Court summoned the Pastor and Elder to appear, and endeavoured to persuade them that the Assistants were the representatives of the freemen. If they were not convinced, they were so far satisfied as to submit. But in consequence, probably, of this transaction, "two deputies were chosen to attend from each town at the next Court, in May of the same year, and 'advise with

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Historical Society of Massachusetts, was appropriate to the character of the Society, and was conducted in a manner at once dignified and unostentatious, and becoming the institution and the occasion. The selection of the orator, too, was just what was due to him, to the Society, and to the public. John Quincy Adams, a New England man with principles corresponding to the place of his birth, who, with his accustomed eloquence, addressed the Society and the assembly, thoroughly impersonated the feelings and opinions of New-Englandmen; and never was an orator more continuously responded to by the sympathy of his auditors. The orator, venerable for age and prolonged public services in various gradations of honorable distinction, of which he reached the highest, and still laboring for the interest and honor of the whole people, while he represents a part, without naming his father, reminded us of the union of the States in 1774, under the Federal Congress, when John Adams, some years below the middle age of man, inspired that body with ardor by his bold eloquence and fearless defence of the rights of the people, and contributed so largely to the conversion of the colonies into an independent republic. What a crowd of recollections of the eventful period of little more than two generations that have since intervened, fill the mind! The oration of Mr. Adams before the Historical Society has since been published.

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the Governor and Assistants about the raising of a public stock, so as what they should agree upon should bind all.' "

This was a modest approach towards claiming the rights which pertained to the freemen. Two years afterwards, they chose from the eight several towns of the Colony two persons to meet and ascertain the powers of the freemen or their deputies, and "to consider of such matters as they were to take order in at the General Court." Being satisfied after they met, that all laws should proceed from the General Court, according to the provisions of the charter, they advised with the Governor on the subject, who discouraged the interference of the freemen in such matters, because they were not only too numerous to legislate in a body, but they could not select a sufficient number of deputies who were competent to such matters, or whose time could be spared by the company. He accordingly suggested, that a certain number should be chosen annually, by order of the General Court, to revise the laws, and to refer all grievances to the Court of Assistants; and that no assessment or disposition of lands should be valid without their consent.

This deputation seems to have been a movement preliminary to that of assuming the power claimed by the freemen; for each of the towns was represented by three deputies at the General Court in May, and the question of the rights and duties of that body was promptly met by a declaratory act, that the General Court had the exclusive authority to make laws, to appoint and remove officers, to raise money and taxes, and dispose of lands. To place the representative system on a firm basis, it was further ordered, that the freemen of each town might hereafter choose two or three deputies to the General Court, clothed with all the power belonging to their electors, excepting that of the choice of magistrates and other officers. Thus adverse was the opinion of the freemen to that of the Governor, in regard to their competency for legislation. The issue on this point was final. But still another question came up, which occasioned a temporary embarrassment.

The representatives of the towns assembled in the same apartment with the Governor and Assistants, and the deliberations of the General Court were there held in common. In their enactments and in their decisions upon various meas-



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ures, there does not appear to have been a uniform mode of procedure. At a General Court held the year after the freemen intrusted their power to deputies (1635), in acting on the application of Mr. Hooker and others of Newtown [Cambridge] for leave to remove to Connecticut, a majority of the representatives were in favor of granting the request; but the Assistants dissented. The representatives claimed, as the more numerous body, the right to decide the question, since those in favor of the removal formed a majority of the General Court collectively. The business came to a stand. A day of humiliation and prayer was observed, the opinion of the clergy was sought, and, in conformity to it, the representatives yielded to the Assistants. Afterwards, it may be supposed, that, though the Governor and Assistants claimed a negative on the proceedings of the representatives, there was not uniformly a separate action on the laws and ordinances that were passed.

The inconvenience of two bodies meeting together, while, it appears, they felt authorized to act separately, must often have been experienced; but it was endured for ten years. At the meeting of the General Court in 1644, at the instance of the representatives, it was ordered, that the two bodies should sit in different rooms, and that the several acts of each should be sent to the other for concurrence. In their judicial proceedings, as a supreme court of appeal, if the two branches differed, the vote was to be taken jointly.

From the time that the organization of the government was changed by the choice of deputies to the General Court, instead of the attendance of such freemen as before appeared of their own accord, there was a constantly increasing impatience on the part of the people for the establishment of a body of laws. Their dissatisfaction with the existing state of things was grounded on the danger of giving so much discretion as was necessary to the magistrates, to be exercised with imperfect limitations by specific statutes. In proportion as the magistrates showed either indifference or reluctance in regard to the gratification of the wishes of the freemen, the people became importunate. The slow gradations by which the end so long contended for was accomplished, form a curious portion of the colonial history. We have room only for a very condensed account, drawn from Mr. Gray's extracts from the Colony records, and from Governor Winthrop's Journal.

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In 1635, it was agreed in General Court, that persons should be appointed "to frame a body of grounds of laws, which, being allowed by some of the ministers and the General Court, should be received for fundamental laws." But nothing appears to have been done by the magistrates to whom the business was committed. In May, 1636, a large number, including three clergymen, was chosen for the same purpose, and "entreated to make a draught of laws agreeable to the word of God." Such instruction seemed to give the clergymen a prominence in the commission, and Mr. Cotton, being placed foremost in the work, at the session of the Court in the following September, "presented a copy of Moses his Judicials, compiled in exact method," which was referred to the next General Court. Like the similar process of the same body at the present day, this appears to have been adopted as a gentle method of putting to sleep what the legislature did not like to meddle with; for it was not until a year and a half after Cotton's copy of "Moses his Judicials" was presented, that the subject was revived. The goal was kept in view, but a new starting-place was chosen, and those were placed foremost in the race, who were most zealous to obtain the prize. It was ordered by the Court, in March, 1638, that the freemen of every town, or such of their number as should be deputed for the purpose, should assemble and "collect the heads of such necessary and fundamental laws as may be suitable to the times and places where God in his providence hath cast us," and deliver them to the Governor before the fifth day of June, for the use of the magistrates and clergymen composing the committee for preparing a code of laws to be reported to the General Court the following autumn.

There is no evidence that the freemen, impatient and importunate as they were, gave any heed to the order of the General Court. They had become faithless, it may be, in the disposition of the magistrates and clergy to comply with their wishes; and not without reason; for Governor Winthrop, in his Journal (1639), implies, by a cool negation, that they were reluctant to proceed in the work. "Most of the magistrates and some of the elders were not forward in the matter." He gives his reasons for this, in which there is no want of carnal wisdom mingled with nice, sententious casuistry. One of the reasons, he says, "was want of suffi-

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cient experience of the nature and disposition of the people, considered with the condition of the country and other circumstances, which made them conceive that such laws would be fittest for us which should arise, *pro re natâ*, upon occasions, &c., and so the laws of England and other States grew, and therefore the fundamental laws of England are called customs, *consuetudines*. 2. For that it would professedly transgress the limits of our charter, which provide we shall make no laws repugnant to the laws of England, and that we were assured we must do. But to raise up laws by practice and custom had been no transgression; as in our church discipline, and in matters of marriage, to make a law that marriage shall not be solemnized by ministers, is repugnant to the laws of England; but to bring it to a custom by practice for the magistrates to perform it, is no law made repugnant, &c."

At length, in 1639, "the two models," namely, "Moses his Judicials," which had been drawn up by Cotton, who was on the committee of 1636, and a body of laws written and arranged by Nathaniel Ward, of the committee of 1638, were, with some modifications, sent to the towns by the committee, "to be considered first by the magistrates and elders, and then to be published by the constables to all the people," that any suggestions might be made concerning them to the deputies to be sent to the next General Court. This looked something like progress in the work; but when the Court met in November, instead of acting directly on the reports, a committee was appointed, still larger than any preceding, and composed wholly of laymen, with directions to "peruse all those models which have been or shall be further presented to this Court or themselves concerning a form of government and laws to be established, and draw them in one body, altering, adding, or omitting what they shall think fit, and take order that the same shall be copied out and sent to the several towns, that the elders of the churches and freemen may consider of them against the next General Court."

Enough of caution had certainly been manifested; but as if patience were not yet exhausted, the General Court "in the third month [May], 1640," ordered, that, "Whereas a Breviate of Laws was formerly sent forth to be considered by the elders of the churches and other people of this Com-

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monwealth, it is now desired, that they will endeavour to ripen their thoughts and counsels about the same by the General Court, in the next, 8th, month."

Never were plans for delay more skilfully conducted. The magistrates knew that the people were impatient, and they knew also how to allay any feverish excitement by administering timely emollients. Their constant appeals to the wishes of the freemen, and calls upon them for counsel, were a flattering unction, which, when the freemen applied it to themselves, could not fail to mitigate their restlessness, even if they were a little suspicious of the design with which it was offered.

At the session of the General Court in October, 1641, Mr. Ward was applied to for a copy of the Liberties and the capital Laws, and it was ordered that nineteen copies should be transcribed. It is remarkable, that the Colony records for the remainder of this year, which was so important an era in the civil affairs of the Colony, are lost. But we learn from "Winthrop's Journal," that the session of the Court in December continued three weeks, and that "one hundred Laws, which were called 'The Body of Liberties,' were established." They had been composed by Mr. Nathaniel Ward, the author of "The Cobler of Agawam" ; (sometime pastor of the church of Ipswich, he had been a minister in England, and formerly a student and practiser in the courts of the common law ;) "and had been revised and altered by the Court, and sent forth into every town to be further considered of, and now again in this Court they were revised, amended, and presented, and so established for three years ; by that experience to have them fully amended, and established to be perpetual."

This code was the basis of the statute laws of the Colony. In the third year after its adoption, measures were taken for a revision of "The Body of Liberties." But as the birth of this body was long anxiously waited for, so in its growth and progress to maturity it was destined equally to disappoint expectation. It was not until 1648, that the laws were so amended, enlarged, and arranged, as to be committed to the press ; and ten years afterwards provision was made for a new digest, which, having been prepared, was printed, and copies were distributed among the towns in proportion to their taxes.

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It is among the strange caprices of historical tradition, that so little knowledge concerning "The Body of Liberties" established in 1641 should have been transmitted to us; that a matter, which agitated the whole Colony of Massachusetts for several preceding years, should afterwards have been surrounded with clouds and darkness for two centuries. Hutchinson, and those who have since spoken of the laws adopted in 1641, have left the matter involved in the mists of error, now ascribing the code to Cotton, and again to Ward, and contending in the dark about a shadow. This shadow was the "Abstract," prepared by Cotton in 1636, afterwards presented to the General Court, treated respectfully, remaining nominally *sub judice* until 1641, when it vanished, and "The Body of Liberties," composed by Nathaniel Ward, was adopted.

The "Abstract" of Cotton was first printed in London in 1641, and this impression was entitled "An abstract of the Laws of New England as they are now established." It was reprinted in the fifth volume of "The Collections of the Historical Society." We have recurred to it, and find that it has no resemblance to a body of laws and liberties enacted by a legislative assembly. It contains rather moral and pious suggestions, intended to produce a healthful condition of the social state, than specific laws which man's wisdom devises for the protection of the people in their rights as citizens of a commonwealth.

Mr. Gray has dispelled at once the darkness which hung over this subject. He began his researches with the conviction *a priori* that the "Abstract was not the code established in 1641." We subjoin the following extract, containing an interesting account of his discovery of a copy of the "Liberties," and his conclusive reasoning upon facts, showing that it contains the code established in the year above mentioned.

"It so chanced, that one day, more than twenty years ago, I took up from a corner in the old Athenæum, a folio volume containing the Colony Laws, as published in 1672; an edition not of any great rarity. But bound up with it was a manuscript of about sixty pages in the handwriting of that day, which is not easily read. This volume appeared to have belonged to Elisha Hutchinson, who was the grandfather of Governor Hutchinson, and who died in 1717, at the age of seventy-seven. On examining the manuscript

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carefully, I found it to contain a copy of the Colonial Charter of 1629, with ten other valuable documents relating to our early history, one of which was 'A Coppie of the Liberties of the Massachusetts Colony in New England.'

"Its genuineness was soon placed beyond question. All the documents accompanying it are undoubtedly genuine, and may now be found printed, with one exception, at full length, in our collections of public documents. It is divided into one hundred distinct articles, separated from each other by strong black lines; and although the introductory and concluding paragraphs are not numbered as laws, so that the highest number is ninety-eight, whereas Winthrop says The Body of Liberties contained a hundred laws, yet this is but an instance of that substantial agreement with circumstantial variation, which is one of the strongest evidences of truth. On comparing these numbers with the citations from the Liberties made in support of the fundamental laws by the General Court in 1646, it was found that they agreed, and that the articles in this manuscript are numbered in the same manner as the official copy then used by them. These Liberties too are, almost without exception, incorporated, and often in the same words, into the printed Laws of the Colony, which are entitled 'Laws and Liberties.' Three complete editions of these were published by authority, namely, in 1649, in 1660, and in 1672. In these, the laws were not inserted in the order of their dates, as in modern times; but all existing provisions of law were consolidated, and classed under appropriate titles arranged in alphabetical order. So that the complete codification of the Statute Law is no new thing under the sun, but was practised by the Colonists of Massachusetts from the beginning. In this manuscript, we find in the margin, opposite most of the Liberties, the number of a page and sometimes of a section. These are references to the page and section of the edition of 1672, where the same provision may be found.

"This then is, beyond all doubt, 'The Body of Liberties' composed by Nathaniel Ward of Ipswich, author of the Simple Cobbler of Agawam, and adopted by the Colony of Massachusetts in 1641; the first Code of Laws established in New England." — pp. 195, 196.

We should be pleased, if we had not extended our remarks to so great a length, to cite some examples produced by Mr. Gray, in which he compares the "Liberties" with the "Abstract." But it is sufficient to remark, that he has vindicated the characters of the fathers of New England from the reproaches cast upon them, of weakness and illiberality in

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their legislative acts, by making them speak for themselves in the very letter, after a silence of two centuries.

The volume of the Collections closes with "Gleanings for New England History," by James Savage, LL. D. These gleanings consist of what was gathered by Mr. Savage last summer, during a visit to England, in "searching for materials to illustrate our early Annals." First of these is the will of Isaac Johnson, husband of the lady Arabella, in which John Hampden, John Winthrop, and Thomas Dudley are appointed executors, and a bequest is made to the Governor and company of Massachusetts for the benefit of their plantations.

The records of Cambridge and Oxford Universities were examined by Mr. Savage, (the latter for only two days,) for the names of distinguished men who were graduated there, and who emigrated hither in the early days of the Colony. In this examination, and also in that made at the "Augmentation Office," for the names of persons permitted to embark for the American colonies in 1634 – 5, he had good success. It appears from the record of emigrants, whose departure was then subject to the control of the Commissioners of Plantations, at the head of which was the archbishop of Canterbury, how unavailing was the paltry attempt to prevent the emigration of puritan ministers, who, as we know, secured their passages, but, as it appears, were not entered on the lists.

Mr. Savage has taken a few gleanings from manuscripts in the British Museum, and copied the titles of some of the rare tracts having a local interest for New-Englandmen. "A mine of unexhausted information about our country," he says, "is contained in the volumes, printed and manuscript, at the British Museum, and in the exploration of the latter my little success should not discourage more hardy or patient adventurers." Doubtless some laborious and skilful miner, like our author, will put his hands to the work and meet with gems, which, if they shall not enrich himself, will add much to the common treasury of the republic of letters.

Lastly, Mr. Savage has given extracts from records pertaining to the families and family alliances of our early settlers, obtained from parish registers, and also "gatherings at her Majesty's State Paper Office from Vol. 11, of papers relating to trade and plantations."

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We take leave of this volume of the "Collections of the Massachusetts Historical Society," with gratitude for the new contribution of materials for our annals, and with raised expectations of the increasing utility of the institution.

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ART. V. — *Histoire de L'Art Moderne en Allemagne*; par le Compte ATHANASE RACZYNSKI. 4to. Tome Second; pp. 677: Tome Troisième; pp. 582.

IN a former number of this Journal, we called our readers' attention to the splendid work of Raczynski on German art. We confined ourselves in that paper to the materials furnished by the first and part of the second volume, and to the discussion of a few topics connected with art, having an incidental relation to the work we were reviewing. Following out the plan which we intended at first to have completed in a single article, we shall, in the present paper, give a brief and plain account of the copious and interesting contents of the remainder of the work.

We perceive by the recent journals and newspapers, both from England and the Continent of Europe, that the arts in Germany are advancing with unabated activity. The king of Bavaria has lately "inaugurated" the *Walhalla* with imposing pomp and ceremony. The extraordinary phenomena of new and original schools of art springing up in Germany, founded on principles of the widest application, and supported by the most elaborate studies and the most wonderful learning, have drawn the attention of England, and seem likely to exercise no little influence on the future cultivation of the Fine Arts in that country. Cornelius, the greatest name in one department at least of German art, has been summoned to England to lend the aid of his genius and experience to the formation of a plan for adorning the new Parliament House with national works of art in a style that shall do honor to the genius and munificent spirit of the country. The details of this great artist's views and opinions have been given in the London journals, and are full of interest and instruction, like every thing that comes from this illustrious man. The fact itself is one of



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the significant signs of the times, and speaks strongly of the enlarged and enlarging relations of kindness and intellectual intercourse between the nations of the present day. The friendly interchange of opinions on art and letters, the genial appreciation of each other's works of poetry and art, the wide diffusion of knowledge in every department of human thought, the kindly intercourse between the men of science and the professors of elegant literature in those great annual assemblies to which the spirit of the present age has given birth, are working together for the highest and most philanthropic aims — peace on earth and good-will to man. Every effort, humble as it may be, to make the minds of different nations better known to each other, or to awaken an interest in one for the products of another's genius, skill, or learning, is so much added to the great stock of the happiness of man. It is, therefore, with a heartfelt conviction that the author on whom we are at present engaged, aimed at and has accomplished something higher and better than the attainment of literary fame, or the reputation of being an intelligent, elegant, and accomplished critic of art, that we award him our praise and admiration. He has produced a work that will not only connect his own name for ever with all that is brightest and best in the genius of his country, but will hold up to other nations great examples of genius successfully laboring to realize its sublime conceptions, of princely and public taste appreciating them, and of regal munificence bestowing on them their due reward. With these preliminary remarks, we proceed to our pleasant task.

In our former paper, we said a few words on the famous poem of the Nibelungen, and its influence upon the development of modern German art. Our comments on this part of the subject would remain imperfect without a more extended notice of another source, from which the artists have drawn many poetical subjects, — the works of Walther von der Vogelweide and of Wolfram von Eschenbach. The former name is especially connected with the Bavarian school of art from the fact that Gassen, who was commissioned to paint in fresco the queen's first antechamber, was required to take his scenes from the life and poems of this ancient minnesinger, who flourished in the times of Frederic the Second, of the Hohenstaufen line. The most remarkable group in these frescoes represents Walther, at

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Wartburg, surrounded by celebrated poets, his rivals for the minnesinger's prize. A work is still preserved, called the Wartburg war, consisting of the alternate songs of the bards who took part in this poetical joust. Tradition places the date of this tuneful tourney in the year 1206, the most brilliant epoch of ancient German poetry, not only for the illustrious names that have been handed down to our day, but for the impulse given to the ancient national and heroic poetry by unknown minstrels. Herman, landgrave of Thuringia, had gathered round his court many of the most famous minnesingers, who had celebrated in lays and ballads the warlike deeds of his martial house. Heinrich von Ofterdingen appears as the champion of the Austrian prince, throws down the gauntlet to all the poets, and offers to maintain the virtues of his hero against all the singing tribe, under penalty of being hanged in case of defeat. Walther, as court poet of the Thuringian prince, accepts the challenge, and enters the lists against Heinrich von Ofterdingen. Walther regrets that he is obliged to declare against the Duke of Austria and his brave cavaliers ; then he praises the king of France, Philip Augustus, in whose reign the poetry of the north of France rivalled the glory of the Provençale muse, as the poet could testify from his own knowledge, for he had crossed the Rhine and visited the banks of the Seine. But in the course of the contest he partially recants, and sets the gracious duke above the monarch, calling him the sun ; but the landgrave he compares to the brightness that precedes the sun. Ofterdingen complains of Walther, accuses him of playing an unfair game, and resorts to Klinsor of Hungary, to sustain the supremacy of Austria. The other champions call for Stempfel of Eisenach, who stands ready with the halter ; but Ofterdingen is protected by the landgravine, who intercedes in his defence.

In the second part of the picture, Klinsor has arrived, and accepts the contest waged by Wolfram von Eschenbach. In this poetic duel, Walther takes no part, except to give in his adhesion to Eschenbach. In Gassen's picture on the ceiling, Walther appears in the attitude of conqueror, crowned with laurels, in the presence of the landgrave and landgravine, while Ofterdingen puts himself under the protection of the magician Klinsor. On the right hand, sit the judges of the field ; on the left, stands the executioner with

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the halter in his hand; and the ground of the picture is occupied by the courtiers.

This landgrave Herman, of whom there exists a contemporary portrait in a missal at Stuttgard, was not only a friend of letters and poetry, but also a personage of considerable historic importance. He exercised no little political influence among the dynasties of his time, and, like old Warwick in English history, gained a part of his fame by making and unmaking kings. His generosity is celebrated in lofty phrase by Walther and Eschenbach. The place where this scene was enacted is the great hall of the Wartburg castle,—a hall that still exists, and is shown as a monument of the joust. In another picture, Walther appears in the retinue of King Philip and his Queen Irene, whom he paints in brilliant colors in his poems. The literary tourney spoken of above was not the only adventure in which the poet was engaged. After the assassination of Philip, he entered the service of Otho, who had just been elected emperor, and was crowned at Rome in 1209, but was excommunicated the following year. Walther maintained the emperor's cause with ardor, but deserted him at last, when his hopes had been disappointed, and embraced the side of Frederic the Second, of the Hohenstaufen, whom the pope protected. It seems the poet received substantial marks of favor from his master's hand, in the shape of lands and titles and armorial bearings. In the picture, the Empress Constance appears at the investiture of the fief, holding in her hand the laurel crown destined to adorn the poet's brows, though no such incident is found in history or tradition. In another picture, the poet is represented as bewailing the bloody quarrels between the spiritual and temporal powers, accompanied by awful signs in the sky. These quarrels began with the excommunication of Otho, and ended only with the deposition of Frederic the Second, and the annihilation of the Hohenstaufen family; an event which Walther did not live to witness. The apparent cause of these conflicts was the promise made by Frederic to undertake a crusade immediately upon his elevation; a promise he was unable to keep on account of domestic wars. The heart of Walther was divided between two great desires; the reëstablishment of the universal dominion of the German-Roman empire, and the power and majesty of his temporal chief. Since 1187, the Holy Sepulchre had been in the hands of the infidels, and Walther

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many times entreated the emperor to undertake the crusade he had promised at his coronation. Pressed by the importunities of Walther, the emperor finally resolved, in spite of many unfavorable circumstances, to embark at Otranto ; but falling sick, he was compelled to return, and encounter a new excommunication from the pope. Walther censures the bulls fulminated from the Vatican. The crusade, however, on which Walther's heart is set, at length comes to pass ; this is indicated by two pictures in the hall, where the singer is represented in the costume of a knight, kneeling in sight of the Holy City, and absorbed in meditation.

From this time forth, the poet's " life seemed to him rich and noble, because his sinful eyes have seen the Holy Land." The Emperor Frederic, on his last great crusade, made a triumphal entry into Jerusalem, at the head of his faithful Germans, on the 27th of March, 1229 ; the following Sunday he appeared in the church of the Holy Sepulchre, and taking the crown from the altar, placed it upon his own head. During this ceremony, the Germans sang a chant, and the grand-master of the Teutonic order pronounced a discourse in German. Walther was probably present at this spectacle, and saw the desire of his soul fulfilled, — the chief of the German empire and of the Christian world crowned with glory on the most sacred spot of the earth.

No later events are mentioned in the poems of Walther, and the swan of ancient Germany appears to have died a short time after. His voice had resounded, as he says himself, more than forty years. Our author says ;

" The picture in the middle of the second wall shows us the figure of the poet reclining on the tomb. About it are flying little birds, which the children of the choir are feeding. This picture, executed by a modern artist with great simplicity, is the most pleasing of all. The idea is taken from an old tradition. Walther, according to all the testimonies, died at Wurtzburg ; his tomb was found in the court of the new Minster, surrounded by the luxuriant vegetation. A tree with heavy branches bent over the tombstone, and in its foliage were sporting thousands of little birds, drawn thither by the water and the food which, according to the last will of Walther, were daily placed upon his tomb. At a later period, this bird's food — *Vogelweide* — was altered by the monks into small loaves for themselves, on the anniversary of the poet's birth. An epitaph in Latin verse explains this pious legacy." — Vol. II. p. 73.

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Walther's portrait, copied from an ancient manuscript, represents him, sitting alone, surrounded with the gifts of May, and with the little forest birds flying about him. It is said to be one of the most beautiful pictures in the hall, and the present work gives us a wood cut of it, from which a tolerable idea of its effect may be formed.

Walther seems to have adopted all the habits and manners of the wandering minstrels of the times. He travelled from court to court, generally received with honor, tarrying with the German princes who protected the arts of poetry and music, and sometimes at foreign courts, and was everywhere welcomed into select society. He made no scruple to accept pensions and entertainments for his services. "It is true," says our author, "that knights possessing fiefs received presents of dresses, armor, and horses, and a great number of knights-errant as well as bards and troubadours resorted to the tourneys for this kind of alms; but the latter accepted whatever was offered them, particularly second-hand clothes. Walther boasts of never having taken any such present. He sings his ballads, accompanying himself with the violin. He played this instrument also to enliven the dance, in imitation of the Dukes of Austria, Leopold and Frederic, who sung and managed the ball themselves." The proud and chivalrous baron and fiddler, Volker of the Nibelungen-lied, did the same at the nuptials of Chrimhilde.

But Walther sang not for princes alone. Love formed the theme of many a gentle ditty chanted by the bard, until late in life. He sings of the fair one's cruelty, by whose side he becomes like a feeble child; even a refusal, accompanied by her angelic smile, makes him happy. He paints her beauties with brilliant colors, and prefers the sight of her cheeks, clothed with the peach's downy hue, to the contemplation of the empyrean and the celestial car; her praise of his poetry puts him in an ecstasy; and she it is, who inspires him to say, that "he who possesses the love of a noble woman, holds all vice in scorn." Thus had love exalted the soul of Walther.

Walther's residence at the courts of princes, his superior genius, the dignity of his poetry, the cutting satire which he knew how to use with great effect, and his vehement patriotism gave him a powerful influence. His poems were

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the favorites of the emperor and the princes. His chief desire is the honor and repose of his country and of Christianity. The disunion of the temporal and spiritual powers, and the universal degeneracy of all classes and all ages, are the cause of his sorrows, and the theme of his perpetual complaints. He venerates the pope as the spiritual head of the Christian religion; but he disapproves of the abuse of papal power. Among the vices of the Germans, the one which meets his severest reprehension is that of immoderate drinking.

When old age approaches, Walther piously fixes his thoughts upon the region beyond the grave. "In this valley of tears, every joy departs, like the fleeting tints of the flowers, and dries up like the grass of the field." And therefore he lifts his looks towards eternal felicity. His poems assume a graver character, and the gloomy feelings and dark anticipations, common to old men, often find utterance in them. He was deeply versed in the history of the saints; he had travelled much, and the old heroic spirit of Germany breathes with manly vigor in his patriotic songs. For Walther was a true poet; his voice was heard with respect and admiration, and he stood among the foremost men of his age.

Wolfram von Eschenbach, the next famous name in early German poetry, is more renowned for long narrative poems than for amorous ditties. Besides his traditional fame, as one of the champions in the poetic tourney at Wartburg, his poems of Parcival, Titurel, and William and Kiburg, have given him a lofty place among the German bards. The poem of Parcival treats of the Saint-Gréal, a relic in the form of a vase, made of a single emerald, and containing the holy sacrament, or, according to other traditions, the blood of the Saviour, collected by Joseph of Arimathea, and intrusted to the care of angels, who had long held it suspended in the air, beyond the sight of mortals. Titurel built a temple, according to a design traced by the hand of God, which contained the consecrated vase, and became the abode of a monastic and chivalrous order, who took the name of Templars. These persons were charged with the duty of watching over the relic, guarding the edifice, and protecting the kingdom. The king of Saint-Gréal was at the same time the ecclesiastical chief. The election of the king was determined by the will of God, the name of the chosen monarch

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being written miraculously on the vase itself. Parcival, one of the knights of the Round Table, owed his elevation to a similar intimation of the divine will.

When sin had made great progress in the West, the Saint-Gréal was ordered by the Almighty to be transferred to the East. Parcival was at this time king of Saint-Gréal. The vase, the temple, the kingdom, and the order of defenders were all transported, in a single day, to India. A Christian tribe, who had preserved their religion in its primeval purity, lived there, surrounded by Pagans, under the government of the renowned but mysterious Prester John. This treasure, according to the ancient traditions, had been in the possession of Titurel before Parcival, although the poem which bears his name was composed at a later period.

Another epic poem of Eschenbach is on the subject of William and Kiburg; the latter was the wife of William of Orange, whose sister had married Louis le Debonnaire, the son of Charlemagne. These poems, as Eschenbach left them, did not form a complete whole, but were afterwards arranged and completed by other poets. Many ancient and noble families bore the name of Eschenbach, but the arms of the bard show that he belonged to a Franconian house of the Nordgau, which derived its name from the small village of Eschenbach. Wolfram belongs especially to Bavaria, because the Nordgau formed at that time, as it does at present, a part of that sovereignty; and as his poems are among the most important and distinguished in ancient German literature, he holds a prominent place in the productions of German art that adorn the residence of the Bavarian monarch. Eschenbach was received into the ranks of chivalry, as he takes good care to inform us; and it was in the character and quality of knight that he appeared at the poetic combat of the Wartburg. Like most cavaliers of the age, it is stated that Eschenbach could neither read nor write. A local tradition informs us, that he was visited in the chamber he occupied at Eisenach, in the house of one Gottschalk, by the familiar spirit of Klinsor the magician, who had arrived at Eisenach through the air, and taken lodgings with a warm citizen named *Hellegrave*, or Count of Hell. This malicious demon wrote on the wall of Eschenbach's chamber words signifying that the poet was no better than a *layman*, which meant, in those days, an ignoramus. The host of

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Eschenbach, in his zeal for the reputation of his guest, caused the stone on which the inscription was written to be taken out of the wall and thrown into the neighbouring stream of the Hörsel ; but the room is still called the dark chamber. "One is involuntarily led," says our author, "to draw a comparison between these wonders, and the victory gained three centuries later by Luther at the Wartburg, the proof of which is still found on the walls of his chamber ; I mean the famous ink-spot which Luther made on the wall, when he threw his inkstand at the head of the Devil, who had appeared to him in person. Three centuries afterwards, this place became the theatre of a *Sabbat*, the memory of which is not yet very ancient, and which also might well have been raised by the devil." *

In consequence of the defect above mentioned in Eschenbach's education — a serious one, it must be confessed, for a poet — he was compelled to employ a reader, when he had occasion to make use of books, and to dictate to an amanuensis, whenever he composed. His poems generally were imitations of the Romance or Provençal literature, in which the spirit of chivalry was first breathed into verse. These poems sometimes took the form of a monologue, and sometimes that of a conversation with his characters, one of whom, a special favorite of the poet, was Dame Aventure.

As a poet, Wolfram betrays more of his own individual character than is common in the poets of an early age. Many significant allusions occur in his works to his amours, successful or unfortunate. He blames those who attempt to sing of love without having felt its ardors. In "Parcival," he complains at times of the mischievous god, and launches his reproaches against some hard-hearted fair one who had refused to listen to his wooings. His minor poems, however, breathe a satisfied spirit, and hint strongly, that all the dames to whom his courtesies were offered did not turn a deaf ear to his prayers. In the poem of "Parcival," however, he shows more of the inspiration of chivalry and devotion than of love. He describes the untaught and simple youth of his hero, his chaste love, his innocence, his fidelity, and his trust in God. The practice of these virtues exposes him to great misfor-

* Alluding to the celebrated Wartburg festival, held by the German students in 1817, in commemoration of the battle of Leipsic.



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tunes, but also prepares him for the highest dignity, that of being king of the Saint-Gréal in the paradisaical country of the early Christians.

The poem of "William and Kiburg" bears a strong resemblance to the ancient epopée. The style is pure, vigorous, and concise, and the tone of the poem has less of the romantic exaltation and enthusiasm than was common at the time. The descriptions of battles are minute and faithful, and show the ready skill of one who has seen, and perhaps taken part in, actions similar to those he delineates. The love and constancy of William and Kiburg are fully and characteristically represented; and her heroic defence of the castle, during her husband's absence, is told with epic animation.

But of all his poems, that of "Titurel" contributed the most to his renown, as is proved by the numerous copies of it that were made during a series of ages. Many other productions of note, in the early periods of the German language, have been attributed to him, just as a great number of epic compositions by nameless bards among the early Greeks were popularly assigned to the mighty name of Homer.

Such is a slight sketch of some of the early German poems from which the artists have drawn their inspiration and their subjects. It is necessary to have at least a general understanding of these curious remains of the manly genius displayed by the ancient Germans,—and in this remark we mean to include the Nibelungen-lied, which we characterized rapidly in our former paper, — in order to understand the spirit of the recent schools of art; just as it is necessary to study Homer, if we desire properly to appreciate the sculptures still surviving from the great masters of antiquity.

The Walhalla, of which we formerly spoke, has since been consecrated, as before mentioned, with great pomp and ceremony by the Bavarian king. The details of this interesting and significant occasion have been repeatedly given in the public prints; but the best account is contained in a letter written by Mr. Wheaton, the American minister at the Court of Berlin, addressed to the Secretary of the National Institute at Washington, and dated January 25, 1843. This letter was published in the "National Intelligencer," and copied into many other newspapers throughout the United States. Mr. Wheaton gives a history of the origin and build-

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ing of this magnificent structure, its dedication, and then a most interesting sketch of its plan and purpose, together with a description of the great works of art which have already been accumulated there. Mr. Wheaton is entitled to great praise for the enlightened judgment with which he devotes the leisure hours from his diplomatic duties to the subjects of literature and art. The journals of the United States have been frequently enriched by contributions from his pen, displaying great research, learning, industry, and refined taste.

We have already spoken at some length of Cornelius, the great master of the Munich school of painters, and we proceed now to give some account of another, scarcely less distinguished for his natural genius, though not yet arrived at the maturity of his fame, William Kaulbach. This artist was born about the beginning of the present century, at Arolsen, in the principality of Waldeck. His father was a passionate lover of art, and a companion and friend of the sculptor Rauch. He acquired great skill as an engraver; but the restlessness of his disposition led him into a variety of attempts that injured his success in life. Another son, besides William, is devoted to art, and has somewhat distinguished himself in sculpture at Munich. The impression made upon the mind of William Kaulbach by his father's pictures was deep and lasting, though they are said to have but little merit. It was the father's most earnest desire to see his son a distinguished artist; and to gratify the parental wishes, more than from any innate disposition of his own, William consented to enter upon a career which his father's ill success rendered formidable in his eyes. Kaulbach studied art at Dusseldorf, in the midst of difficulties of every description. His first attempts in painting were church pieces, for which he was miserably paid. One of these, a Madonna of the size of life, with the infant Jesus and two angels, brought him only forty crowns.

"He received another order," says our author, "and the circumstances by which it was accompanied show still more strikingly the state of destitution to which he was reduced. He was employed to paint the walls of a church connected with a madhouse near Dusseldorf; and the pay agreed upon consisted of small rolls of bread and cheese, doled out daily in quantities just sufficient to keep him from starving. The sight of these unfortunate beings, in the midst of whom he passed so much

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time, made upon him a profound impression; and this recollection haunted him fifteen years, until he had completed that fine composition 'The Madhouse.' His imagination could not rid itself of them, until he had united them in a design, and had fixed them, so to speak, elsewhere." — Vol. II. p. 246.

He afterwards improved his circumstances by giving lessons to persons of distinction in Dusseldorf, but soon relinquished this employment to follow his master Cornelius to Munich.

The strong original genius of Kaulbach made it impossible for him to work out the conceptions of another; and his attempts to paint after the cartoons of Cornelius were unsuccessful. The first important works which were intrusted to him at Munich, were a fresco on the ceiling of the Odeum, representing Apollo surrounded by the Muses; in the Arcades, allegorical figures representing the four rivers, Bavaria, and cartoons for other allegorical figures, which were executed by different artists; and in the palace of Prince Maximilian, the sixteen subjects, drawn from the fable of Cupid and Psyche, which adorn the grand hall. At a later period, he was intrusted by the king with the first attempts in encaustic, which have been made at Munich. The subjects of these pictures, twelve in number, are taken from Klopstock's poem on the Battle of Hermann. The narrow spaces and the architectural forms, which limited his work, did not admit a large composition representing historical facts. One panel is painted with two warriors on horseback, going to battle; another with pagan priests offering sacrifices; a little distance further on, are women who have just taken leave of their friends. On another wall are exhibited, in like manner, the beginning and the end of the battle. The middle picture represents the chief of the Herusci triumphing over Varus. — The return of the warriors, their reception by the women, the bards celebrating the victory, and three subjects relating to the tragical end of Hermann, complete the twelve pictures. Four small fresco paintings of the ceiling, also represent subjects taken from Klopstock. To this period belongs the great picture of "The Madhouse," one of Kaulbach's most remarkable works, whether its merits, or the peculiar circumstances from which it took its origin, be considered. These circumstances have already been mentioned. A very good account of it has

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been published in a little pamphlet by Guido Görres, the son of the professor, whose political writings produced great sensation in Germany some years ago. About this time, Kaulbach produced a series of designs, taken from a work of Schiller's, the Malefactor led into crime by disgrace. His subsequent works are the pictures in the royal palace, in the hall devoted to the poems of Goethe, and the battle of the Huns in the air. The latter, which is considered by Raczynski as the most important of the artist's works, is represented in a fine engraving among those accompanying the book. This subject Kaulbach has executed, but not in colors, in a large picture twenty-one feet by seventeen, the figures below being of the natural size. This picture is pronounced by Raczynski to be above all praise, and the most important and complete work that the arts have ever produced. It was the artist's intention to paint it in colors, but the impatience of the person who had ordered it, who was no other than the Count himself, did not allow him sufficient time. The subject is a very striking one. It was suggested by a passage in Chateaubriand's "Historical Discourse on the Fall of the Roman Empire." The poet and traveller cites a fragment from Damascius, which embodies a marvellous tradition, the substance of which is the following. A battle was fought between the Romans and the barbarians at the gates of Rome, and so great was the slaughter, that no one on either side was left alive, except the commanders and some few of their attendants. After they had fallen, their ghosts continued the combat in the air three whole days and nights, with the same fury they had shown while alive. It is at once obvious, that to represent to the eye a scene and subject like this, so as not to shock the mind by the suggestion of gross improbabilities, must require the highest genius and the profoundest study. The artist has departed in one particular from the legend, inasmuch as he has not separated the chiefs from the soldiers; and here his judgment is undoubtedly correct. If we may judge of the effect of the picture by the fine engraving, the artist has completely mastered the all but insuperable difficulties of the subject. We know, that the late Mr. Allston expressed his admiration of the conception and the design with extraordinary warmth; and Mr. Allston's authority on any subject connected with the art of painting was the highest in this country, if not in the world.

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"I could hardly conceive," says Raczynski, "that if it were executed in color, even in large dimensions, it could have preserved the indefinable character of mystery and grandeur, which is so remarkably stamped upon the design; nevertheless, since I have seen the colored sketch, I have entertained no doubt, that if the owner of the picture could have restrained his impatience, the finished work would have been as perfect in point of color, touch, harmony, and effect of light, as it is at present in composition and design."

In the pictures from Goethe, the artist has not only illustrated particular passages from the great poet's works, but has sometimes taken merely hints for his own inventions. He has illustrated several of Goethe's most exquisite minor poems, such as "The Fisher," "The Traveller," "The God and the Bayadere," and scenes from Faust, Egmont, and Iphigenia. These pictures are painted in encaustic. On the ceiling, are subjects treated in a smaller size, in fresco, also taken from Goethe. Some of these are executed by other artists, but the designs are all by Kaulbach. He has sometimes attempted Scripture subjects, but with less success. His crayon portraits are said to be remarkable for their resemblance, and for characteristic expression. Among his portraits, are those of Görres, Heinlein, Morgenstern, Cornelius, and Klenze. He also furnished designs for the Baron Cotta's new edition of Goethe. Of his compositions, those in Hogarth's manner, such as "The Madhouse" and "The Criminal" are thought to be most in accordance with the natural bent of his genius. The character of this artist is summed up in the following words.

"Kaulbach is a hard student, full of zeal, unwearied. While he is composing, all the powers of his soul are brought into play. The studies which he makes from models are rendered with the most scrupulous fidelity and the minutest care; he leaves nothing to chance. He has often studied the play of physiognomy on himself, and, placing himself before a glass, he sometimes tried to give his own features the expression of the passions which he wished to render. The distinguishing mark of Kaulbach's talent is, that grandeur in his works, even when it reaches the highest degree, is never tainted with exaggeration. It is the grandeur of inspiration, and the depth of thought united with a taste always pure, and tempered by moderation. I know of no artist more original, more uniformly himself, and yet who repeats himself less."

Our limits do not allow us to touch upon the numerous in-

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teresting subjects discussed in connexion with the Munich school of painting. The landscape paintings, *genre* pictures, lithographs, and glass and porcelain-paintings are treated at considerable length by our author; but with this mere allusion, we must pass on to the architecture and sculpture of Munich.

Leo von Klenze, ennobled by the king for the extraordinary genius he has shown in architecture, was born in 1784, in the neighbourhood of the Harz mountains. He is a man of profound and brilliant education, is well versed in the ancient languages, and has acquired a vast variety of knowledge. He has executed a great number of important public works, has received an appointment in the ministry, and the place of superintendent of public buildings, and many other marks of royal confidence and favor. The Glyptothek, the Pinacothek, the Odeum, the Walhalla, and the Arcades, are among the principal works built after his designs, and under his superintendence. He is also the author of several highly esteemed works on the science of architecture. These labors are sufficient to immortalize the artist's name.

Gärtner, born at Coblentz in 1792, is Professor of architecture in the Munich academy. Among the structures erected by him are the Library, the Institute of the Blind, and the Church of Saint Louis. Other architects, who have distinguished themselves at Munich, are Ohlmüller, Metivier, Schlichtegroll, and Zielband.

The most conspicuous among the sculptors of Munich is Louis Schwanthaler, who was born in that city in 1802. His family has been, for several generations, devoted to sculpture in different parts of Germany. He received a careful education at the Gymnasium, and then became an artist. Painting, especially the painting of battles, was the department of art to which his early taste first directed him; but his genius soon found in sculpture its proper career, and he instinctively selected antiquity and the Middle Ages as his favorite objects of study. His first studies in art were pursued under the direction of his father; but he completed them at the Academy, which he left in 1825. Klenze and Cornelius were among the first to recognise and bring forward the rising genius of the young sculptor, and the immense projects of the king afforded him a wide scope for the exercise of his talents.

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For more than two centuries, nothing of any importance had been done in the manner of the Middle Ages. Rauch, the great sculptor of Berlin, by imitating neither the sculpture of the ancients, nor Canova, nor Thorwaldsen, showed a characteristic and vigorous genius, without departing from nature, or having recourse to academic or conventional forms and attitudes. He was the first who exhibited the true German type, not as the result of mere imitation, but of the agreement between his own artistic feelings and those of the great age of Albert Dürer ; and his works are eminently original and conformable to the taste of the public and of the German artists.

Schwanthaler had an opportunity of trying his hand in this same style. He received an order for statues of the king's ancestors, destined for the palace of festivals, and for models, in small size, of statues of the most distinguished ancient painters, to surmount the Pinacothek. Among the latter, the statues of Raffael and Michael Angelo are most highly esteemed. In the antique style, his "Battle of Hermann," on the pediment of the Walhalla, is pronounced the most important. We translate the following explanation from Raczynski, furnished by the artist himself, premising that, in the composition of the groups, the narratives of Tacitus, Cæsar, Velleius Paterculus, Dio Cassius, Diodorus Siculus, and other authors, were carefully consulted.

"In the centre is seen, resting against the trunk of an oak, Hermann, represented of heroic size, nude, and more colossal than the rest of the figures, with the buckler, sword, rings upon his arms and legs, and on his head the antique casque, of the form of those which are still found in the tombs of the ancient Germans ; at his feet the eagle, the axe, and the ensign surmounted by a hand. His attitude is calm. At his right, are German chiefs, among whom we observe Melodes, the Sicambrian, who had stirred up the revolt, and defeated Solius in all his manly vigor ; behind him, two heroes of his nation, and a bard who chanted songs to Wodan, one of the gods of those tribes. Two scenes, characteristic of the primitive usages of the ancient Germans, follow ; one represents a prophetess, who appears like a phantom, issuing from a marshy cavern, and making her way through the rushes ; the other characteristic trait of the manners of that people is represented by the figure nearest that of the prophetess, which is a monument erected to the honor and virtue of the German women ; a woman, kneeling, crowns the helmet of a dying warrior, and supports his head with her left hand ; the war-

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rior is an old man who has just captured a standard. The battle-axe reposes in his right hand. The other side of the composition, beginning from Hermann, is devoted to the Romans; the first figure is a triarius, one of a class of soldiers who took part in battles only when the light-armed troops had conquered or been defeated. This figure shows that the battle is nearly over. A light-armed soldier, perhaps the brave Lucius Asprenatus, seems, while giving ground, resolved still to defend Varus, who kills himself by thrusting the sword into his bosom. Behind him a dying standard-bearer uses his remaining strength to hide the eagle in the morass, perhaps the eagle of the third legion, which as history relates was neither taken nor recovered; a legionary is frightened by the approach of the Germans, and the act of Varus, whom he attempts to support with one hand; the parcel placed near him, and containing part of the plunder, reminds the spectator of the greediness of Varus and his legion, who had already pillaged Syria. To indicate the morasses of Germany, the artist has placed there a Roman, sunk in the mire and extricating himself with difficulty. A standard-bearer, without his standard, terminates the group." —Vol. II. pp. 456, 457.

This composition contains fifteen statues. The length of the pediment is ninety-six feet. The marble is from the neighbourhood of Schlanders, near Meran, in the Vinschgau. Its grain is as compact, and quite as solid, as that of Parian marble, and its color is pure white. The most skilful workmen were employed to perform the manual labor of chiselling the marble, under the eye of the artist.

Danecker, whose name is known all over the world, was of Stuttgardt. His colossal "Christ" and his "Ariadne" have been so often described, that it is quite unnecessary in this general notice, to do more than barely allude to them and to their celebrated author.

We pass over the interesting and valuable accounts of the artists of Nuremberg, Augsburg, Ratisbon, Prague, and Vienna, for the purpose of giving, in the few pages that remain to us, a brief account of the varied and learned contents of Raczynski's third volume, particularly of the chapters on Berlin and Dresden.

The Academy of Arts in Berlin dates from 1699. Terwesten the painter and Schlüter the architect were charged by the Elector Frederic the Third, — afterwards king, under the name of Frederic the First, — with the formation of this institution. Rode, the most celebrated painter of Ber-



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lin previous to the modern epoch, was made director of the Academy in 1783. But nothing of any importance in the arts was produced at Berlin until Begas and Wach, on their return from Rome, commenced there the era of modern art. Begas was born at Heinsberg, near Aix-la-Chapelle, in 1794. His father, though a lawyer, discovered the early indications of talent for the arts which his son manifested, and readily assisted, by all the means in his power, to develope them. In the city of Cologne, his taste for art was nourished and strengthened, and at the age of nine years, he was placed under the instruction of a master. The French style had a great influence when he began his studies; but though he was unable wholly to escape its effects, he soon came within the intellectual influences of the Schlegels and the Boisserées, to whom German art owes the most lasting obligations. At the age of eighteen years, Begas was sent to Paris, where he placed himself under the instruction of Gros, and began to draw from the living model. His studies were interrupted by the events of the year 1813, and were not resumed until 1815. He painted at Paris a Madonna in the clouds, with the infant Jesus, and afterward a picture representing Job and his friends. Both these pictures became the property of the king, who settled on the young artist a pension, to enable him to continue his studies three years. While at Paris he also painted a "Christ on the Mount of Olives"; a picture that was exhibited at Aix-la-Chapelle, during the Congress. This, too, was bought by the king, who at the same time ordered a picture representing the "Outpouring of the Holy Spirit," which the artist carried to Berlin in 1821. On his journey he passed through Strasburg, Carlsruhe, Stuttgard, and Nuremberg. The enthusiasm for old German literature and art, which he found at an extravagant height in these cities, affected him powerfully, and diminished the still remaining influence of the French taste. The collections of old German pictures, made in Stuttgard by the Boisserées, took a strong hold of his imagination. On his arrival at Berlin, he painted several pictures, which showed decided marks of this new tendency. Soon after this, he was enabled by the liberality of the king to visit the classic land of Italy. On his way thither, he went to Munich and saw some of the pictures of Cornelius in the Glyptothek. Before he reached Rome,

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he had explored the treasures of art in several of the largest cities in Northern Italy, and the work of conversion which the Boisserée collections had begun was thus completed. The two principal pictures which he painted in Italy are a portrait of Thorwaldsen and the "Baptism of Christ." "Returned to Berlin," says the artist, very pithily, "I got married. Domestic happiness, the arts, and six children, of whom five are boys full of vigor and life, embellish my existence."

After his return, he produced a series of works of great interest, which placed his name among the best painters in Germany. As a portrait painter, Raczynski pronounces him the first in the country. His oil pictures are distinguished by a manner of coloring closely resembling that of the old Venetian school.

Wach was born at Berlin, in 1787. From early childhood he manifested a decided taste for the arts. He was carefully and thoroughly educated. His powers were cultivated by the study of history and literature, besides those sciences which belong peculiarly to the education of an artist. His first important work was an altar-piece, representing Christ with Saint John and Saint Matthew, half-length figures of the size of life. In 1811, he was employed to paint a portrait of the queen from memory, aided by portraits and busts which had been made during her life. Wach served as an officer of the Landwehr, or national guard, and as aid-de-camp of General Tauentzien; a period of his life which he has always looked back upon with pride and pleasure. At the close of his military services he gave himself to art with renewed zeal; but the return of Napoleon from Elba again interrupted his pursuits. He went to Paris with the allied army, and remained there some time, studying with David, and afterwards with Gros. At this period, he painted the "Christ upon the Cross," which belongs to the garrison church of Berlin, and a "Saint John in Patmos," which belongs to the king. After a residence of two years in Paris, he went to Italy in 1817. He found at Rome that distinguished company of artists, who have elevated German art to its present lofty height. Wach joined them, shared in the same influences which formed their genius, and associated his name in inseparable and immortal companionship with theirs.

On his return to Berlin, in 1819, he received from the

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king an order for two large pictures, to be placed in the church of Saint Peter and Saint Paul at Moscow; one represents the "Resurrection," and the other, the "Supper." These pictures are considered as among his most important productions. Afterwards he painted symbolical compositions, arabesques, allegories, portraits, historical subjects, and a great variety of other pictures, increasing in fame, and enlarging the sphere of his influence, by forming a large number of pupils, who have carried into other countries the principles of their master.

The number of portrait and *genre* painters is very considerable at Berlin; there are also landscape painters of distinguished merit; of the architects, Schadow and Shinkel are the most eminent. Among the sculptors, Rauch is the best known out of Germany, and one of the most illustrious artists of modern times. This great man was born in 1777, at Arolsen in Waldeck. He was at first placed as an apprentice to a stone-cutter named Valentin, and afterwards earned a living, for a time, in the workshop of a Mr. Ruhl at Cassel, devoting all the time he could spare from his occupations to modelling. Business called him to Berlin in 1797, where he became acquainted with many young artists, and gained the good-will of persons of rank, and even the favor of the king, who discovered his strong inclination for art. In 1804, he set out for Italy in the company of Count Charles Sandrezky. He formed an acquaintance with the most distinguished artists resident in that city, and gained their confidence and friendship by his zeal and his amiable personal qualities. William Humboldt, at that time Prussian minister at Rome, took him into special favor. He could also boast of the friendship of Thorwaldsen and of Canova. The works of the former had no little influence upon his taste. During his residence at Rome, he executed a bas-relief of Phædra and Hypolytus for Mr. Balk; a Mars and Venus wounded by Diomed, for Humboldt the minister; and several busts, one of which was that of Mengs, destined for the Walhalla. The French at that time occupied Rome, and had established an exhibition designed to present to the public all the works of the artists resident in the city. A committee was selected from the artists' association, to pronounce upon the merits of works of art, and to decide the question of their admission, and Rauch was appointed a

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member. This circumstance attracted the attention of the king of Prussia, who immediately granted him a pension sufficient to enable him to continue his studies, and to relieve him from the pecuniary embarrassments in which he had become entangled.

When the king, in 1810, applied to Canova to execute a monument in memory of the queen, who had died that year, the great Italian artist replied, that he considered Rauch fully competent to fulfil his majesty's intentions. Upon this the king summoned Rauch to Berlin, to compete with other artists; the plan proposed by him had the preference, and he was charged with the work. Soon after beginning his task, his health obliged him to visit Italy, where he completed the statue of the queen for the Charlottenburg monument in 1813. In the winter of 1814, he returned to Berlin, where the statue was received with the liveliest enthusiasm, and Rauch was nominated professor and member of the academical Senate. He afterwards executed a great number of works, the most important of which are the statues of Scharnhorst, Bulow, and the emperor Alexander; another, much admired, of Albert Dürer, at Nuremberg, and one of the king of Bavaria at Munich; six allegorical figures representing victories, for the Walhalla; and a very important work, the equestrian and colossal statue of Frederic the Great.

"The three sculptors," says our author, "who stand highest in the opinion of the Germans, are Rauch, Schwanthaler, and Thorwaldsen. But their peculiar characters as artists are widely different from each other. Schwanthaler has the greatest, the most copious, and the readiest talent in composition. His spirit and taste have been formed in the presence and by the models of antiquity; he has learned *to think in Greek*, and has produced innumerable works in this language. His thoughts are rapid, but one might wish that they had characterized the subjects more, and that they had been developed with more depth, greater detail, and more precision. There is, morally speaking, too much *vacancy* in his productions.

"Thorwaldsen is a powerful genius. His works, although they share in the antique character, do not essentially characterize any one period, but they all bear, in a very high degree, the marks of the sacred flame. Thorwaldsen has carried back the art of sculpture to the severe style, to which Canova had already begun to restore it. The taste and the grace, which distinguish the genius of Canova, are not met with in all the works of Thor-

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waldsen; and this is the fault which I should find, for example, with his 'Venus,' his 'Three Graces,' and other nude female figures; but he has impressed a great charm on some of his female forms; among others, his 'Night and Day'; his 'Triumph of Alexander' is the grandest composition of modern sculpture."

In the remaining part of this work, Count Raczynski gives an account of the state of art, both ancient and modern, in Dresden. Among the eminent painters of this city, the name of Näke, who passed several years at Rome in company with Cornelius, Veit, Schadow, and other German artists, and who painted several pictures of great merit, stands eminent. His works are particularly esteemed for skill in design. He was a great invalid, and never satisfied himself with his work. He never knew when to stop. "Thus," says our author, "he passed fifteen years, tormenting himself with his Saint Elizabeth." Some of these traits bear a strong analogy to those of the illustrious American artist, whose death we have so lately been called to mourn.

Among the Saxon artists is Retsch, whose exquisite illustrations of Goethe, Schiller, and Shakspeare, are universally known. We have been disappointed to find only a single meagre paragraph in the present work on the genius of a man to whom the whole world is indebted.

Rietschel the sculptor, and a distinguished pupil of Rauch, was born at Pulsnitz, near Dresden, about the beginning of the present century. He first studied art in Dresden, and was afterwards employed as a modeller in an iron foundery of Count von Einsiedel, at Lauhammer; thence he was transferred, through the influence of this nobleman, to the *atelier* of Rauch. In 1831, he visited Rome. One of the statues on the pediment of the Glyptothek, at Munich, is his work. The monument to Frederic Augustus, which he erected, is ranked amongthe most remarkable works of the present age. But the great bas-relief in the Dresden theatre has been most applauded. The subject is taken from Æschylus. Clytemnestra is lying in the arms of her aged nurse; Ægisthus is extended near her; three Furies receive from Minerva the order to put an end to their pursuit. Orestes takes refuge with Minerva and Apollo, behind whom three judges of the Areopagus are sitting. The figure of Nemesis terminates the composition; the centre of

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the bas-relief is occupied by Melpomene, the Muse of Tragedy. Raczynski sums up his judgment upon the merits of this piece in a few words; he says, "Melpomene and Orestes have great beauty; the Furies, though well conceived and felt, might nevertheless have been better grouped; and finally, the work, taken as a whole, though remarkable in many respects, has not, perhaps, a character sufficiently determined, sufficiently plastic." If we may form an opinion upon this work from the fine engraving by Eichens, we should say, that Raczynski's critical objections are not very well founded.

We have thus gone over, cursorily and superficially enough, the varied contents of Count Raczynski's splendid volumes. We repeat, what we said in substance at the beginning of our former paper, that it is a work equally honorable to the taste and patriotism of its noble and accomplished author. Its costliness must render it a book inaccessible to the great body of readers. An able writer, familiar with the principles and the history of art, could hardly render a more valuable service to civilization, than by drawing up, in a condensed form, a sketch of the rise and progress of the arts in modern Germany; of that wonderful movement, which has carried the best scholars deep into German antiquity; which has led them to explore the boundless treasures of poetry, which the mighty Middle Ages produced in that land of bold deeds and chivalrous feeling; which has kindled the souls of artists with an inextinguishable enthusiasm for their country, and taught them, like the Greeks of old, to appeal to the national heart by immortalizing on canvass and in marble the national history and traditions. For art in the United States, such a work would be of incalculable importance. The rising genius of our country needs the instruction and the guidance of these great German teachers. Our countrymen have shown remarkable aptitude for the fine arts; but they need education, they want learning. The lofty intellectual culture, which the ancient capitals of Europe require and cherish, is but rarely attained by the young artists of America. The classical and historical studies, the profound literary acquirements, which are the very soil out of which the fine arts grow and flourish in Europe, are compassed only by a few favored individuals among the sculptors and painters of the United States.

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While we write these sentences, our thoughts are drawn irresistibly to the loss we have recently suffered in the death of Washington Allston. He was an artist in the truest and highest sense of the word. For many years he held undisputed preëminence among the American painters. He was a man of a finished literary education, having studied and taken his degrees at the University in Cambridge; and through his whole life, his leisure was adorned by poetry and elegant literature. The best authors in several languages were as familiar to him as the great models in his art; his taste in literature was as exquisite as that which is shed over the immortal productions of his pencil. Some of his published poems are not surpassed by any thing in American literature. Every reader is familiar with his magnificent ode to England and America. As a poet, he showed a most delicate imagination, an exquisite purity of thought, the finest susceptibility to the harmonies of language, and extraordinary powers of expression. A collection of his pieces, including the little volume published by him many years ago, and now out of print, and the poems he has since written, would be a precious addition to the treasures of American poetry. As a prose writer, he is chiefly known by the romance of "Monaldi." The style of this work is flowing, melodious, picturesque, and beautifully finished; many of its scenes are wrought up with a terrible power; more of them sparkle with all the graces of imagination and taste. There are paragraphs in that book, in which the very soul of the author seems to pour itself out in strains of the richest melody; there are innumerable passages of such graphic beauty, that no other hand could have traced them but his, whose marvellous cunning painted for all coming time the "Beatrice," "Rosalie" and "Amy Robsart." We are incompetent to trace his character as an artist; but we may be allowed to state our own impression without exposing ourselves to the charge of assumption or arrogance. We have always felt, in the presence of Allston's pictures, that they were stamped with a sublime genius and all nobleness of soul. They are marked by the purity and elegance of conception, which are so strongly expressed in his literary works. A beautiful and lofty imagination and a spirit of generous morality impress themselves on the mind of the spectator. Our souls are touched, no less than our fancy; we learn les-

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sons of purity, as well as stamp upon our memories the images of unapproachable beauty, whenever we contemplate his works. His coloring was celebrated, even in his youth, while he formed one of that glorious company of artists in the Eternal City, to whom the revival of art in these later days is due. The writer of a most able chapter on the arts in modern Rome, in Brunsen's great work, expressly says, that Allston's coloring approaches nearer that of the old Italian masters, than the coloring of any other painter of the age. The opinion pronounced on his early pictures has been strengthened by the noble productions of his pencil that have since appeared. In drawing and composition, he was equally skilful and learned. We have seen compositions of his, which have never been executed in colors, of the most delicate beauty. The genius of Allston we regard as one of the dearest treasures of our nation. His relation to American art was peculiar, and unlike that of any other great artist to art in any country. He never formed, or apparently attempted to form, a school; he never headed a party; he never felt any one of the bad passions which so often disturb the harmony of poets and artists. His devotion to his art had no reference to personal aims, selfish pursuits, or vanity or ambition. It was simply following out the instincts of his nature. In it he found his happiness. He lived in a world of his own creation; fair forms, of transcendent beauty, radiant with the hues of heaven, surrounded him in his daily life; and among them his gentle spirit moved, with them conversed, and from them borrowed the immortal colors in which his own lovely creations are clothed. To other artists he stood in relation of friend. He was regarded by them all with singular affection and veneration. No rivalry ever existed between him and any other human being. He pursued his own ideal, which, like the line of the horizon, ever retreated before him; and this was the only form of ambition it was possible for him to indulge. He judged the works of other artists with a genial and appreciating spirit, entering into their purpose, and pointing out their excellences with a single eye to art, and not the remotest reference to self. We never heard of his having an enemy, either in or out of his profession. In his presence, the pettishness of the irritable race ceased its feeble and foolish pranks. His calm wisdom, the seren-



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ity of his soul, subdued all passion, and harmonized all discords. Where he moved, peace followed his footsteps, and the spontaneous love of all hearts surrounded him, as if he had been a being from another world.

Mr. Allston's conversation was singularly attractive. The Graces, seeking a shrine, certainly chose his soul for their temple. His peculiar and striking personal appearance can never be forgotten. His tall and slender figure, his pale countenance, the towering pile of his forehead, his regular and pleasing features, his large hazel eye, the venerable locks that waved in the solemn beauty of silvered age from his shapely head, formed in their combination an image which he who has once seen must see for ever. His manners were mild, sincere, urbane, and warm; expressing all the blended softness, grace, and dignity of his character. His voice was the gentlest utterance that ever mortal spoke in. Of late, it had been enfeebled and made somewhat indistinct by long and severe ill health; so that it was necessary to listen very attentively, and to sit near him, to hear all that he said. Night, deep night, was his most genial time for conversation. Seated in an arm-chair, in his small parlour, with two or three friends around, and a temperate glass before him, the perfume of his favorite cigar wreathing about his classical head, he would pour out, in a rich, low tone, the copious stream of anecdote, remark, refined criticism on literature or art, keen but kindly humor, and satire, or ghost-story, which, as he related, he more than half believed himself, and made his hearer believe entirely. The airy-footed hours passed noiseless and unheeded; and when returning consciousness warned the circle that midnight had long since departed, each listener sighed to think the night so short, so potent was the enchantment that held him in its thrall. We look back with a melancholy pleasure on many such scenes; but we bear in especial remembrance a succession of evenings the very last winter, in which the great artist condescended to read to us, in company with a poet whose genius has illustrated the literature of the country, a series of discourses, which he had prepared, on the theory, principles, and practice of art. They appeared to embody the experience, study, and reflection of his whole artist's life; and were written with marvellous beauty and eloquence. It was a most interesting and impressive thing, to hear that beloved

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and venerated person, after making all his peculiar arrangements, — placing his lights each in a certain position, — setting his footstool between his chair and the fire, — warming his feet, — lighting his cigar, and reducing his manuscripts to order, — read on, hour after hour, pausing occasionally to answer a question, or explain a point, those masterly expositions clothed in the richest forms of language; at one moment, stating some profound principle with extraordinary power, at another, illustrating it with incomparable beauty; then describing a favorite masterpiece of painting with such feeling and pictorial skill, that sight itself could scarcely surpass the liveliness of the impression his description made; his large, mysterious eye growing larger with the interest of his subject, his voice increasing in volume and strength, his pale countenance transfigured by his kindling soul to an almost supernatural expression, until, as he uttered passage after passage of harmonious and magnificent discourse, he seemed to become the inspired prophet, declaring a new revelation of the religion of art.

These discourses, we understand, are left unfinished; when published, as of course they will be, at a proper time, we predict that they will make a new era in the criticism of art. We know of nothing in the literature of this subject which will bear a moment's comparison with them, in profoundness, beauty, and truth. They exhibit the powers of Allston in a new and admirable light, and will do honor even to his illustrious name.

What a singular harmony there was between the genius, the character, the pursuits, and the death of Allston! The serene close of his days gave the finishing touch to the picture of his life. He died sitting in the same chair from which he had so often delighted his friends by his conversation; and after death, not a feature of that sweet face was discomposed; but he lay beautiful in death, as he had been beautiful in life, like some gracious work of art, just finished, and just beginning its silent immortality.

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ART. VI. — *Annual Message of the Executive to the General Assembly of Maryland.* December Session, 1842. Annapolis: George & William Johnston, Printers. 8vo. pp. 20.

IT has often been remarked, that the most valuable gifts of nature are precisely those which are bestowed with the greatest profusion. It requires some effort of reflection to recognize and acknowledge the number and magnitude of those blessings which are showered upon all mankind alike, and are essential to their very existence; though, from their continuous character or their incessant recurrence, we are apt, in summing up the good and ill of our earthly lot, to pass them by in utter heedlessness, or to forget them amid a whirl of cares and perplexities resulting from the casual absence of some minor, and in comparison quite insignificant, object of desire. The air, the water, freedom of speech and motion, health of mind and body, the unimpaired possession of the senses, abundance of daily food, friends, a fine sky, a beautiful prospect, — these are the most common things in the world, but they are those of which we take the least account. They are the heritage alike of the king and the mendicant; but the one is too proud, and the other too miserable, even in the midst of them, to think of being grateful for their presence. Common language, which is the exponent of common feeling, has no phrase to express the value of those things which cannot be bought and sold, because, being universally diffused, no one can convert them into his exclusive property. Most men are like the political economist, who recognizes no value but that which is marketable.

The case is quite similar in the social state, with respect to the advantages which redound to mankind from the mere existence of society, irrespective of the greater or less skill manifested in its constitution, or of the comparative intelligence and virtue of its members. Companionship, general security of life and limb, the institution of property, the division of labor, the tacit laws which regulate our intercourse with each other, the facilities for extending that intercourse to an indefinite extent, — all are benefits which are experienced alike by the subjects of the best and the worst government, and which mark out the situation of those subjects as

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immeasurably superior to the merely animal existence of the solitary and the brute. We speak of gross tyranny, or an essentially evil government, as a thing which ought to be resisted even at the expense of life, — not because it deprives us of a thousandth part of the things which render life desirable, — but because it is the denial of a right — a *perfect* right — which the first impulses of our nature require us to maintain, though the object which it covers may be too insignificant to deserve a moment's consideration. Despotism makes but a small inroad on a man's daily comforts, on the sum of his means of enjoyment. It levies an unjust impost of three pence a pound on tea ; it requires one man to contribute six pence to the support of government, while his neighbour, having equal means, is taxed but four pence ; it enjoins upon all persons to forego the open expression of their opinions on two or three topics, though they may think what they like in reference even to these, and may say what they like on the innumerable other themes of speculation and discourse.

> "How small of all that human hearts endure,
> That part which laws or kings can cause or cure."

There is no great hardship in the case apparently, when viewed in this light ; but men go to war about it, and make revolutions, and equip armies and fleets, and shed blood, and acquire undying reputation for patriotism by these efforts, not because they avoided the payment of an insignificant tax thereby, but because they successfully defended a principle. They wholly disregard the countless other blessings, of infinitely greater importance than the original subjects of dispute, and which they might quietly have enjoyed under the old government to the end of time, without let or hinderance.

If we go one step farther, and look at society and government in their best estate, we are still struck by the same fact, — that far the most important and beneficial results are produced by that part of the social machinery which is most quiet in its operation, and consequently attracts the least notice and remark. The motive and the regulating power, that which keeps every part of the vast machine in motion, which turns the drums and the cranks, lifts the ponderous hammers, and guides the wheels in their swiftest whirls, is placed precisely in that portion of the building where there is the least

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clanking and din. Slowly and silently the great water-wheel revolves in the basement story, while the stir and the Babel are in the apartments above. Equally powerful and noiseless in their operation are the great springs of government, while the loudest clatter attends the working of the least efficient department of the state. The legislature is essentially a noisy body, a blatant beast; and its real activity and efficiency are generally in inverse ratio to the bustle and clamor which it makes. It enacts laws and repeals them, though its debates are often conducted with the greatest heat and vehemence, when there is the least prospect of doing either, — when an empty resolution, a mere declaration of opinion, is the only subject of dispute. The fundamental laws of the state, the principles of the constitution, are those which it dares least frequently to touch, though they form the constant topic of vociferous declamation and angry debate. The position of the executive in modern days is equally conspicuous and arrogant, while its influence on the general well-being of the country is even less constant and less perceptible. In a monarchy, it is a pageant or a symbol; in a republic, it is an object of noisy ambition, and a dispenser of gifts to clamorous applicants. In the former case, the fortunes of an individual subject are but little affected, though the throne may be occupied by a sot, a driveller, or a knave; in the latter, only the persons who fill the inferior offices have a deep interest in the character of the incumbent of the executive chair. The prosperity of the community at large, in every material respect, except on rare emergencies, is beyond his action and control. Yet the succession to a throne, or the election to a presidency, stirs the minds, or rather the passions, of men, as if the result were to modify essentially and continually the outward weal and the fireside comforts of every citizen. What a turmoil, and a running to and fro, and a gathering of multitudes, and a waste of speech and print, occur every four years in this country; and yet, when the contest is over, how trivial is the effect on every actor in the busy scene, apart from the gratification of his pride or his vanity in the success of the cause to which he is attached! The poor are still condemned to the same dreary routine of toil, and the rich are arrayed in fine linen and fare sumptuously, and neither Van Buren nor Clay can help the one, nor prevent the other.

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But there is one department of the government which goes silently on its way, unceasing and indefatigable in its labors, neither attracting nor heeding the remarks of the multitude, though the property, the honor, the security, and even the life, of every citizen are subject to its control and protected by its power. We refer, of course, to the Judiciary. Who can estimate the sum of the influences of this portion of the social machine, or the variety of the directions in which they are exerted? Through the whole country, not a bargain is made, nor an institution founded, nor a marriage contracted, nor a death occurs, but that this powerful and almost unseen agent controls the expectations of the actors or the spectators, and decides what shall be the consequences of the act. It is this power in the state which determines, almost exclusively, the measure of that protection which government affords to all its subjects, and for which it is instituted and they are taxed. Whoever suffers a wrong, or claims a right, whatever be its nature or extent, looks to the judiciary for redress or support. In the confidence that this defence or compensation will be afforded by it, he accepts the engagements of his neighbour, relies on his promises, confides his property to other hands, walks the streets in perfect security by night as by day, and sleeps, if he chooses, with his doors unbarred, and not a weapon in his house. And how little notice is taken of the operations of this salutary agency, and how quietly it does its work! The sleepless activity of the law, the constancy with which its influence is felt, and the implicit reliance which we place in its integrity and watchfulness, seem effectually to blind us to any proper sense of its dignity and importance. We receive its benefits as we do the influences of the sun and rain, as we inhale the air, or slake our thirst from the running stream, without taking any note of the magnitude of the gift which we enjoy. Only some fearful convulsion, by loosening all the bands of social order, and violently interrupting the workings of this great machine of state, could convince men of its value by making them sensible of its loss. Ordinary political disturbances are insufficient to stay or impede its continous operation. Even during the darkest period of our Revolution, the doors of the courts remained open, the complainant was heard, and justice was rendered.

That is but a superficial view of the subject, which regards

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the judiciary only as the creature of the legislature, bound merely to watch over the quiet and equal operation of the laws made for it by a superior power. Legislative action is too feeble, desultory, and short-lived, to modify to any great extent the vast body of principles and usages for the guidance of the courts, which have been silently accumulating during the lapse of ages. Slowly and painfully it introduces a few new elements into the aggregate, but the character of the whole evinces essential change only after the interval of centuries. In this country, we are even now reaping the fruits of the legislative wisdom of Edward the First, and of the acumen and wisdom of judges who occupied the bench during the reign of the Tudors. Our ancestors brought with them to these shores the great collection of unwritten maxims and customs, called *the common law*, as the most precious portion of their English birthright; and, adopted either by express enactment or quiet assumption, it has remained with us to this day, not only coloring the whole stream of our legislation, but still constituting in itself the main body of our jurisprudence.

"It was not introduced," says Mr. Justice Story, "as of original and universal obligation in its utmost latitude; but the limitations contained in the bosom of the common law itself, and indeed constituting a part of the law of nations, were affirmatively settled and recognized in the respective charters of settlement. Thus limited and defined, it has become the guardian of our political and civil rights; it has protected our infant liberties; it has watched over our maturer growth; it has expanded with our wants; it has nurtured that spirit of independence which checked the first approaches of arbitrary power; it has enabled us to triumph in the midst of difficulties and dangers threatening our political existence; and by the goodness of God, we are now enjoying, under its bold and manly principles, the blessings of a free, independent, and united government."

*Commentaries on the Constitution.* Abridged edition. § 80.

The reason why the law is built upon so broad a foundation, and towers to so vast a height, is to be found in the variety, complexity, and magnitude of the interests which it covers. The operations of the judiciary are necessarily coextensive with the affairs and pursuits of men,— with the diversity of employments, the entanglements of business, the wiles of fraud, the species of crime, the modes and difficul-

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ties of proof, and the causes of dispute, which mark the variety of character, and give full scope to the activity, of the human race. No cause is too mean to claim its attention; no interest is so great as to rise above its control. The doors of the courts are open to every human being, on whatever errand he may come. And in order that equal justice may be rendered, and each case decided on its own merits, and not by the caprice or uncertain judgment of any man or set of men, it must be tried by invariable and equitable principles, previously known and established. Instead of wondering, therefore, that the science of law should be so extensive and complex, we ought rather to admire that human assiduity and patience should ever be capable of mastering its provisions. Attempts are made from time to time to simplify, abridge, and methodize some portions of the vast code; but so long as the infinite diversity of cases exists, which come up for trial, and so long as it is deemed necessary for the ends of justice and the satisfaction of the parties, that each one should be determined by a fixed principle, and not by a sentence wholly arbitrary and capricious, so long evidently these attempts can have but very partial success. Often they increase the evil which they were designed to lessen. A law must be interpreted, and every new enactment supplies fresh difficulties of this nature to be overcome. Let the statute be framed in the most comprehensive and lucid language, with the greatest skill and circumspection that human infirmity will admit; yet cases soon arise of a wholly unexpected and unprecedented character, and the question is immediately mooted, whether they fall within the scope of this particular enactment. We cannot refer to the intention of the legislators for the solution of this doubt, since the case was not foreseen, and therefore not provided for, by the founders of the law. Here then is fresh matter for the decision of the court; a new rule of interpretation, a new governing precedent for future cases, is to be established in consequence of the very statute which was framed because the number of such rules and precedents was already too great.

In the collateral circumstances with which every legal question is surrounded, and which must, in some measure, control the decision, though they form no proper part of the case itself, we find additional reasons for the great accumula-



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tion and constant increase of the principles of jurisprudence. Among these accessories are the rules of evidence, the interpretation of papers, the conflict of testimony, the forms of procedure, and, in short, all the circumstances through which the facts are ascertained and the trial conducted, apart from the mere determination of the law which governs the chief point in dispute. Over this great range of multifarious subjects, and guided by such an imposing array of maxims and usages that have been accumulating for ages, the power of the judiciary extends. There is not a member of the community whom its decisions do not more or less immediately affect; there is hardly one who does not, more or less frequently, claim its direct interference. And the results of the decisions come home most closely to a man's bosom; they affect his dearest interests, and stir his strongest passions. A litigant is, proverbially, an excited and unreasonable man. He has suffered a wrong, in imagination, at least, if not in reality; and the promptings of pride and resentment, as well as the hope of pecuniary gain or compensation, blind his judgment, and hurry him into inconsiderate action. Perhaps the feelings of a public prosecutor, aiming to remove a common grievance, or of a politician, urged to seek protection and redress by the injuries of a party, mingle with and excite his peculiar and personal motives to action. In any and every case, he appears in court agitated by the most powerful impulses that can swell the human heart. The decision sends him away either elated and triumphant, or a humiliated and disappointed man, — vanquished in a contest on which he had set his heart, and perhaps a bankrupt in fortune and reputation.

Yet how quietly the system works! After all the excitement and intensity of feeling with which the cause was first propounded, and the case conducted, the decision is received in submission and silence. Some indignation may be expressed against the inequality or insufficiency of the laws, but not a murmur against the character of the tribunals where they are interpreted and applied. Even the daily press, that faithfully records the most trifling transactions of the day, seldom deems it necessary to chronicle the proceedings of the courts. Sometimes, indeed, a criminal trial is held, involving the character of persons or events that have recently excited public attention; and then the progress of the cause is eagerly watched. But even in this case, when the verdict

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is rendered, or the judgment passed, curiosity and excitement appear at once to subside, and few are found audacious enough to question the legality or fairness of the proceedings. And the number of such cases is very small, and their importance trifling, when compared with the variety and the momentous consequences of the others which continually tax the silent and unnoticed industry of the courts. Why is it, then, that disappointment, and malice, and anger do not in these cases, as in all others wherein hopes are deceived, or fraud detected, or guilt exposed, lead to vehement abuse and outrageous assaults? How is the judiciary protected from the secret calumny or open abuse, which continually follows every other department of the public service? Why are men so patient under the operation of decrees, which strip a portion of them of their fortunes, or affix a lasting stain upon their reputations, or wound them in their tenderest feelings by doing these injuries to their nearest connexions and friends? A judgment of the court effectually thwarts the execution of a scheme, in which a number of persons had embarked their property and their hopes; and though they had hotly resented the slightest criticism or opposition during its progress, they quietly resign themselves at last to the total defeat of their expectations, as if the final blow had been dealt by a superior power, against which it were idle to struggle, and sinful to complain.

But we gain a very imperfect idea of the confidence inspired by the judiciary, and of the reverent submission with which its acts are received, when we limit our view to the private cases, in which only individual citizens are concerned. In England, and in this country, — though with some limitations in the former case, as will appear hereafter, — the courts are the tribunals of final appeal, before which constitutional questions, and doubts respecting the legality even of legislative acts, are heard and determined. They are, in the highest sense, "the guardians of the constitution," appointed to see that the fundamental laws of the state shall receive no detriment. The controversies which they are thus called upon to decide have been agitated in the community with an earnestness and warmth commensurate with their intrinsic importance. In such discussions, popular excitement and the zeal and clamor of contending parties in the legislature have nearly silenced the voice of reason, and passionate declamation has usurped the province of grave debate. But

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when these vexed questions come before the tribunals of law, they are discussed with as much patience and deliberation, with a logic as severe, and a power of analysis as searching, as if a mathematical problem were the only matter in dispute. The decision is at length made, and the controversy is put for ever at rest. The people acquiesce as implicitly as if their passions had never been excited; and a dispute, which seemed at one time to threaten the dismemberment of the state, passes entirely out of view, except as a matter of history.

We need not search far, either in English or American annals, for instances of what we have here described. Less than a century ago, Great Britain was convulsed by the dispute respecting the legality of *general warrants;* and the party of "Wilkes and Liberty" seemed for a period to menace the safety of the throne. The question was the most important one respecting the liberty of the subject that had arisen since the revolution of 1688; and every step taken by the ministry and the legislature seemed only to fan the popular tumult. Fortunately, it was one that admitted of legal arbitrament; and when the case came up for trial at the King's Bench, the judges formally decided, that general warrants were illegal and void. Public agitation at once subsided; Wilkes sunk into the obscurity which the profligacy of his character merited; Parliament retraced its steps, and, in the teeth of its former action on the subject, solemnly reaffirmed the decision of the court. The interference of the judiciary on this occasion, and its effect in stilling the wild uproar of political strife, seemed like the action of the sea-god in calming the troubled waters.

> "—— et dicto citiùs tumida æquora placat,
> Collectasque fugat nubes, solemque reducit."

Only three years ago, a similar controversy arising between the House of Commons and the legal authorities, involving the gravest questions of constitutional law, such was the confidence reposed by the people in the integrity and steadfastness of the courts, that the affair excited no alarm, and the tocsin of popular tumult was never sounded. We refer to the case of Stockdale and Hansard, in which the House of Commons went so far as even to imprison the sheriffs, who executed the orders of the judges. But the people, notwithstanding

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their natural attachment to the popular branch of the legislature, which has always been the noisiest, but not the most effectual, guardian of their rights, seemed to take sides with the judiciary; and though the Commons acted with singular unanimity on the subject, their judgment was, in fact, reversed by the public. The equanimity and dispassionate conduct of both parties on such a trying subject must be attributed, almost entirely, to the high sense, which all persons entertained, of the justice and majesty of the law, as administered by the proper tribunals.

In this country, the effect of judicial proceedings on great constitutional questions was recently shown in a striking manner, in the case of *Prigg* vs. *The State of Pennsylvania.* Since the formation of the present government, no subjects have ever been debated with so much heat in Congress, or have excited such vehement controversy in the community at large, as those which involved the existence of slavery in the Southern States. Disputes on this head were among the chief impediments to the formation and adoption of the Constitution, and at various subsequent periods they have interrupted the harmony of legislation, and seemed to threaten the duration of the Union. So sensitive have men's minds become on this exciting topic, that a passing remark is resented like a studied attack, and in many quarters it is declared, that no open discussion of it shall be tolerated. The speck no larger than a man's hand is viewed with as much alarm as the thick gathering of clouds already black with the instant tempest. To the scenes which the agitation of this topic have occasioned on the floor of Congress, we need not allude farther than to say, that every friend to good order, to the reputation of the country, to the existence of the republic itself, must deeply deplore their occurrence. At this period of agitation and alarm, one of the gravest points belonging to the subject is carried up for decision to the Supreme Court of the United States. When this exciting cause came up for trial, the words of the poet might well have been directed to the court :—

> "Periculosæ plenum opus aleæ
> Tractas, et incedis per ignes
> Suppositos cineri doloso."

But at this majestic bar, the matter was argued with as

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much dignity and calmness, as if it had never set the country in a flame; and the judgment was received by the public with the quiet submission which they usually manifest when ordinary judicial decisions are announced. Some murmurs were heard from both parties about the insufficiency or hardship of certain provisions in the constitution, but hardly a whisper against the fidelity and even-handed justice with which that instrument had been expounded by the court; and some of the States have already begun to modify a portion of their statutes, so that they may conform to the principle of this decision, now recognized as the established law of the land. Suppose the same matter had come before Congress, and this large and irritable body had been called upon to legislate on the mode of reclaiming fugitive slaves. We have no heart to imagine and describe the scenes which would probably have ensued, and we gladly leave the sketch to the conception of our readers.

It would be idle to pursue these illustrations of a fact so notorious as the beneficial action of the judiciary in quieting public contests, and maintaining unruffled the majesty of the law. Its continued and salutary influence is alike conspicuous, whether employed in the arbitration of private disputes, in regulating the descent and transfer of property, in preserving the peace of society by detecting fraud and punishing crime, or in allaying popular fever and tumult on the great questions of political right and constitutional law. And its regular and peaceful action, though far from being fully appreciated by the community at large, owing to the very circumstance of its quietude, is still revered and protected from an indistinct consciousness of the blessings which follow in its train. Amid all the uproar of party contests, while calumny and invective dog the steps of the executive and the legislature, while a ribald press is for ever throwing its poison and filth on nearly every public character, neither age, nor office, nor previous reputation affording any immunity from its obscene attacks, — the judges sit apart, like the statues of the ancient gods in a temple, imposing from the stillness of the scene, the awful majesty of their attitude and expression, and the unsullied whiteness of their marble robes. *What are the causes of this great contrast?* Why is it, that the mighty array of public opinion, which comes out into fearless contest with the other high authorities of the state,

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— which does battle, when occasion calls, with Congress and Parliament, with kings and presidents, — on passing the august tribunals of the law, lowers its colors and silences its drums? In attempting to answer this question, some facts may be brought to notice respecting the position of the judiciary, which are too apt to escape the memories of men whose attention is so infrequently drawn to the subject, though they must be kept in mind, if we value and would preserve the most important advantages that result from the institution of society and the existence of law.

The first reason, then, why the courts are respected and upheld in their functions, is undoubtedly to be found in the nature of the subject on which they are engaged. Their office is the dispensation of *justice*, — the elucidation and enforcement of the idea of Right. They are revered from the reflected splendor and majesty of that virtue, which it is their high prerogative to unfold and maintain. "*Etenim omnes viri boni ipsam æquitatem et jus ipsum amant, nec est viri boni errare et diligere quod per se non sit diligendum. Per se igitur jus est expetendum et colendum. Quod si jus, etiam justitia; sic reliquæ quoque virtutes per se colendæ sunt. Ergo justitia nihil expetit præmii, nihil pretii. Per se igitur expetitur. Eademque omnium virtutum causa atque sententia est.*" * However the idea of abstract justice may seem to be covered up under the complexity of laws and precedents, and the technicalities of the courts, it is still the sole object of legal proceedings. Even enactments which are merely positive, and were not founded primarily on any dictate of natural law, acquire a moral force from their long standing; they become binding on the conscience, because, having governed the previous expectations and contracts, they are properly applied to determine the respective rights, of the parties to a suit. The legislature is guided by considerations of expediency, its aim being to advance the welfare of the state by watching over its temporal interests; and if higher objects are ever promoted by it, as when it favors honesty and religion by providing for the punishment of blasphemy and fraud, it is only because these virtues are subsidiary to lower ends, — because, in the long run, even in this world, honesty is the best policy, and religion the

* Cicero, *de Legibus*. i. 18.

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highest gain. This task it shares with the executive, the province of which is coördinate with its own, both having the same ends in view, though different means are allotted to them for the attainment of those ends. Both are bound to the service of the state, and their rule of action is *salus reipublicæ suprema lex.* But the judiciary has a higher aim, and is governed by a nobler rule. It is bound to do justice though the heavens should fall. Thus it sometimes interferes with the action of the two other departments of government, and thwarts their best laid schemes for the public advantage, by defending the cause of Right. It bridles the legislature in the name of the constitution, and it stands between executive power and the rightful liberties of the subject. Thus the natural reverence of men for justice and the instinctive moral promptings of the heart are enlisted in favor of the courts, and hold up before the judges a shield against violence or contempt.

But the sacred character of the functions of the courts would not alone suffice to procure for them all the consideration and deference which they actually enjoy. The second, and probably the most efficient, cause of their high reputation and commanding influence is *the independence of the judiciary.* The tenure by which the judges hold their office shields them even from the suspicion of truckling to the chief power in the state, or of sacrificing in any way the ends of justice for their own advantage. The basis for this independence of our national judiciary is established in the constitution of the United States, which declares, that "the judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office." A majority of the individual States have followed the example thus set by the nation at large, and have placed their respective legal tribunals on an equally stable foundation; and most of those which have in any way limited their judges' term of office, have established periods of seven, twelve, or fifteen years,—a length of time which gives a considerable, though certainly an insufficient, guaranty of the independence of the courts. In one State only, Vermont, the judges are appointed to office but for one year; but even here, the good sense of the people, aiming to remedy the defects of their fundamental

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laws, has induced them each year to reappoint the old incumbents with so much regularity as to establish the semblance of an independent bench. In England, as is well known, the judges were made independent soon after the revolution of 1688,* and the change has produced the most important and beneficial results in respect both to the character of the bench and the liberties of the people. Before it was made, the state trials were a disgrace to the character of a people that had any pretensions to freedom. The courts before which Hampden, and Russell, and Sidney were tried, went through a solemn farce to which it were mockery to give the name of justice. But since the alteration, the moderation of the officers of the crown, and the fairness and inflexible integrity of the bench, have cast an imperishable lustre on the judicial history of England. We need not specify instances, for since that period not one state prosecution has been conducted in a way to raise even the suspicion, that undue influence was allowed to the counsel for the crown, or that the court had prejudged the case.

The independence of the judiciary rests upon two points, —that the judges hold office for life, except they subject themselves to impeachment, and that they receive an honorable support, which shall not be lessened during their period of service. When these points are secured, not only are all temptations to swerve from the strict path of rectitude removed as far as is practicable, but not even suspicion can be turned against them. The breath of an imputation cannot obscure the mirror of justice. And this immunity is essential to the working of the system, and to the preserva-

* "In order to maintain both the dignity and independence of the judges in the superior courts, it is enacted by the statute 13 Will. III. c. 2, that their commission shall be made, not, as formerly, *durante bene placito*, but *quamdiu bene se gesserint*, and their salaries ascertained and established; but that it may be lawful to remove them on the address of both houses of parliament. And now, by the noble improvements of that law in the statute of 1 Geo. III. c. 23, enacted at the earnest request of the king himself from the throne, the judges are continued in their offices during their good behaviour, notwithstanding any demise of the crown, which was formerly held immediately to vacate their seats, and their full salaries are absolutely secured to them during the continuance of their commissions; his majesty having been pleased to declare, that he looked upon the independence and uprightness of the judges as essential to the impartial administration of justice; as one of the best securities of the rights and liberties of his subjects, and as most conducive to the honor of the crown."— Blackstone's *Commentaries*, I. 278.



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tion of that public confidence in the judicial tribunals, which is the surest guaranty of public order. The judges must not only *be*, but *seem*, just. The character which they bear is a thing of quite as much importance for the common weal as the intrinsic equity of their proceedings. It is little for me that a man at a distance, of whom I never heard before, is defrauded of his due in the courts. But it is much for me to *feel the assurance*, that, if my person or property is ever wrongfully attacked, I shall find a just and powerful protector in the law. Such an assurance conduces much to the security and happiness of life, though one may never have occasion actually to invoke the aid of this strong champion.

We say, that all temptations are removed *as far as practicable ;* for it cannot be denied that, even in this independent and honorable station, an avaricious judge may, if he chooses, "contaminate his fingers with base bribes," and sell the judgment and his own integrity. But those who lay stress upon this danger show that they have little knowledge of human nature. The gross temptation of a bribe may not allure a man to a flagrant violation of his oath, though the secret promptings of self-interest, the desire of pleasing a powerful friend, the hope of obtaining a reappointment to a lucrative office, may bias his reason by insensible degrees, and finally lead to a judgment as iniquitous, as if it had been openly purchased in court. Virtue is usually sapped and mined, not taken by storm. Put a man out of the reach of these insidious temptations, which do not call upon him to sacrifice his honor and integrity at once, and with full consciousness of what he is doing, but which beset and perplex the mind with the prospect of great ultimate good to be obtained by trifling and gradual deviations from the straight path, — put him away, we say, from these cunning enticements, and he will angrily repel the shameless rogue, who comes in the broad light of day to buy his conscience. When passion, or avarice, or ambition is tugging at the heart-strings, a man becomes a sophist to himself, and will try all the wiles of casuistry in order to varnish over the crime, and give it the poor semblance of virtue. Any one can resist Apollyon, when he comes in his proper shape, with horns and hoof, or as a grovelling snake ; but the cunning devil appears as a beautiful woman or a judicious friend, and the

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poor dupe clasps him to his bosom and is entangled in the snare.

Now, the practice of the courts abounds with dangers of the very class which we have here described. Perplexed and difficult cases are continually rising, in which the rights of the respective parties are separated by the difference of a hair. So evenly does the matter lie between them, so doubtful is the rule of law to be applied to such an obscure and intricate question, that all the acumen of a sharp and vigorous intellect can hardly determine on which side equity and legal authority incline. Let self-interest, in the mind of the judge, put a feather into the balance, and it will turn the scale. He must be a poor sophist, in so nice a case, who cannot blind himself so far as to believe, that justice actually requires that decision which is most accordant with his own feelings and ulterior views. The constitution, therefore, wisely frees the mind of the judge from any anxiety respecting his own situation and support. He is made to feel, so far as is possible, that his post is a permanent one, not dependent on the will of a monarch, or the caprice of a party; — that he is set to be the guardian of the laws for the good of the public, and not to waste his thoughts upon his private concerns. Being thus relieved from the carking cares, which too often vex and annoy men out of their integrity, and being chosen from that class, whose talents, learning, and character are a sufficient safeguard against gross and palpable violations of right, it is not strange that the reputation of the courts has so long remained unsullied. In England, we believe, not a judge of the higher courts has been removed by address of the two houses of parliament since the independence of her judiciary was established. In this country, not one member of the national judiciary has been arraigned at the bar of the Senate on any charge affecting his honor or integrity.

It may seem superfluous to argue in defence of that constitution of the courts of law, which has been so long approved by the experience both of England and America, and by the suffrage of nearly every political or juridical writer of any note. But the advantages resulting from it are so quiet and perennial, that they easily escape the attention; and, in a free country, the mania of political innovation is so great, that without constant watchfulness, there is serious

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danger lest the most important institutions of society should be tampered with, till their influence is weakened or their efficiency destroyed. A theory, under a specious name, may be allowed to supplant one of those time-honored establishments, which have ever afforded the best protection to the rights of the individual, and to the highest interests of the commonwealth. There are ominous signs in this country at the present day, which lead to some apprehensions of such a fatal result. The judiciary is attacked in some of the States, not only by diminishing the salaries of the judges, where it was possible, but by doubts openly expressed whether any institution ought to exist here, which is beyond the popular control. The opinion is plainly avowed, that the will of the people, for the time being, ought to be the only law, and that all restraints upon it, of whatever nature, should be done away. So long as such opinions and doubts were confined to the electioneering harangues of a few demagogues, or to the columns of a few worthless newspapers, they could not effect much injury, and did not deserve serious notice. But when they are found embodied in official documents, when the governor of one of the "old thirteen states" gives them place in his annual message to the legislature, it behooves the friends of free government and of the reputation of the country to be on the alert, and to arrest the evil, if it be possible, ere it is too late.

We know not that this question has ever been agitated between the great political parties which divide the country. Probably it has not been, and we fervently hope that it never may be. The independence of the judiciary is no subject for the common strife of faction and interest, — no topic to be debated in the heat of contest, — no material to be hammered out into "political capital." We know not even to which of the two great parties Governor Thomas belongs, and though this point might be determined in a moment, we have studiously abstained from asking the question. It is possible, that he has only published in an official way a doctrine which other persons, of equal respectability, have freely avowed and defended on other occasions. Be this as it may, we consider the doctrine as a dangerous heresy, and shall comment upon it with the utmost freedom, though without the slightest intention of trenching upon that class of political discussions, from which this Journal has always carefully ab-

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stained. We quote the whole passage relating to this subject from the Annual Message of Governor Thomas, the title of which is placed at the head of this article.

"We have in commission twenty-one common law judges and a chancellor, at an expense for their salaries of $36,500 per annum. There can be no question, but that many of these officers are supernumeraries. We are now surrounded by States, in no one of which is to be found such an extravagant and ill-organized judiciary system as ours, and in all of which, the laws are still faithfully executed without complaint from the public as to their delay, and an absence of all protest by the judges in commission, against the imposition of duties too onerous to be easily performed. Indeed, there is not a State in the whole Union, notwithstanding the population of several of them is quadruple that of ours, where the number of the law judges, and the amount of their salaries, are not less than those of Maryland. New York, Pennsylvania, Virginia, and Ohio having, three of them, a population four times greater, and one of them a population more than three times greater than ours, pay respectively a less sum in the annual salaries of their judges than that with which our treasury is charged. The same States have each a superficies over which their laws are extended, more than four times as great as that of Maryland, and nevertheless have in commission a less number of judges. In the payment of unnecessary salaries to judges, since our system was framed, more than five hundred thousand dollars have been wasted. With these illustrations before us, of the effects to be expected from a reorganization of the system, so as to diminish sensibly its cost, we ought not to pause in the discharge of a high public duty, from any apprehensions as to the effect of such a proceeding on the interests and well-being of society.

"Besides these objections to the system, another will be found in the fact, that no effectual means are provided in the Constitution, to get rid of judges once commissioned, as promptly as the public interests may sometimes demand. The tenure during good behaviour is found in practice to be tantamount to a term for life. A judiciary independent of all the evil passions that may influence, at intervals, the mass of the community, is certainly desirable. But it does not appear, that a tenure for life will, in itself, exempt the occupant of a seat on the bench from the possibility of feeling, in a greater or less degree, a sympathy in the passions that sometimes sway to and fro our popular assemblies. Observation compels us all to contest such a conclusion. A tenure for life is, and ought to be, a popular doc-

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trine in Great Britain. Such a tenure there, may afford a safeguard to the people against the influence of the Crown. The commissions of the judges being granted by the king, a periodical reappointment would give to the sovereign a most dangerous power in the opportunity to dismiss all who were not willing to prostitute their offices to subserve his purposes, however tyrannical and unwarrantable. Here, we have no permanent or hereditary executive to dread. All our public functionaries, but the judges, return at stated periods, to their separate stations in private life, to give place to successors qualified to rule, by having been taught to obey. It is believed, that there can be found neither in our experience, where the life tenure of judges prevails, nor in the experience of several of the States of the Union, where all such distrusts of popular intelligence and integrity have disappeared, any good reason for adherence to a doctrine becoming daily more and more obsolete. There was a time when improvements in government were hard to make. Those who were interested in existing abuses could arrest innovations and changes by magnifying and misrepresenting the effects of a proposed reform. But it is time that such artifices should lose all influence on our deliberations. In the hope that full justice will be done to all the deep interests involved, the whole subject, without further remark, is submitted to the Senate and House, who are empowered to make such alterations in the fundamental law of the State, as may be required."—pp. 17, 18.

Passing over, for the present, the question about the comparative cost of the system in Maryland and some of the neighbouring States, we observe, first, that the distinction which is here attempted to be set up between England and America, in respect to the independence of the judiciary, does not now exist. In state trials, in the former country, the real prosecutor now-a-days is not the crown, but the ministry, and that majority in parliament and among the electors at large, by which the ministry is supported. The monarchy is become a pageant and a name, the direct will of the sovereign hardly influencing any thing but the appointments in his own household. The party that holds the reins of government for the time being, whether Whig or Tory, institutes legal proceedings against political offenders in the name of the sovereign, but really in its own behalf. That party holds in its hands the power and the patronage of the state, and, in its eagerness to defend and strengthen its position,

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would wield these means effectively for the destruction of its most active opponents, if it were not checked by the independence and integrity of the courts. The most turbulent among the Chartists are tried and sent to Botany Bay, not by the will of the Queen, nor even by that of Lord Melbourne or Sir Robert Peel, but by the two great parties among the voters in the realm by whom those political leaders respectively are supported. The case is precisely similar in this country. The rights of a citizen are endangered, if at all, not by an ambitious and reckless president, or a corrupt cabinet, but by the passions and the strength of a dominant party in the Republic, which, while engaged in the hot pursuit of its favorite measures, recks not of the sacrifice of an individual among the crowd. Here, then, as well as in England, an independent judiciary is needed to protect the weak against the strong, — to guard the property, the interests, and even the life of a citizen, not against the arbitrary will of a single despot, but against the violence and recklessness of a more formidable enemy, an excited political party.

We speak here of "the rights of *a citizen*," purposely avoiding the use of that convenient but vague abstraction, "the liberties of *the people*." An aggregate must be composed of units; the population of a country is made up of individuals. True political liberty consists in the protection afforded to the rights and interests of each inhabitant, and not in allowing any casual aggregation of those individuals, which may form a majority for the time, to act its own pleasure at the expense of the weaker party. No one freeman is any farther interested in preserving the liberty of "the people," than as he is himself one of the people, and expects that his own privileges and rights will be best secured by caring for the welfare and security of the whole body to which he belongs. Of course, we speak only of his *direct* interest in the state, for by affection or sympathy, by the ties of blood or patriotism, he is bound in unselfish attachment to all who breathe the same air, and tread on the same soil with himself. But his only *immediate* stake in the freedom and welfare of the people at large is his own property and life, and he hopes to secure these by doing his share in guarding the property and lives of his fellows. The liberty of the people, therefore, is only a means, while the freedom

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of the individual is the end. If a man is cheated by one of his associates, or defrauded of his dues by a corporate body, or has his house burnt over his head by a mob, it is no consolation for him to be told, that the people, of whom he is one, are still free, — that they can still elect their own magistrates, and make and repeal their own laws. On the occurrence of one of these calamities or wrongs, he does not even appeal to the people; he does not summon a town-meeting, and lay before the assembled citizens the story of the injury he has suffered; but he goes to the tribunals of the law, cheering himself on the way by the reflection, not that the country is free, but that the judges are independent, and the integrity of the courts is sure. Within their walls, he knows that no undue or improper influence can exist, — that the party by whom he is aggrieved, whether it be an individual, a society, a political combination, or a mob, will there be powerless, and be compelled to make the compensation, or suffer the punishment, which justice requires.

With this view of the proper functions of a free government, believing that its only office is to afford a safeguard to the rights of every individual, we must maintain, in opposition to Governor Thomas, that an independent judiciary is even more necessary here than in England. *There*, the danger to any citizen, of suffering from the arbitrary will of the sovereign, is lessened by the existence of the many distinct orders and establishments in the state, the interests of one or more of which are probably linked with those of the person threatened, and their power is thus enlisted in his defence. King, Lords, Commons, the Judiciary, the Church, — it will be strange, indeed, if all these separate powers are combined for his destruction. In one or another, from community of interest, he will be sure to find sympathy and support. *Here*, nothing stands between the individual citizen and *his* sovereign — the majority of the people, — but the majesty of the law and the independence of the courts. Here too, as has been wisely remarked, "persecution, especially of a political nature, becomes the cause of the community against one. It is the more violent and unrelenting, because it is deemed indispensable to attain power, or to enjoy the fruits of victory." The innocent may well tremble, if the power of the dominant faction is to extend by

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influence even into the courts, — if the same party is to be not only the prosecutor but the judge.

Another function of the judiciary is to interpret and uphold the constitution and the laws ; and in this respect, also, the independence of the judges is more needed in this country than in Great Britain. The theory of her government is, that parliament, embodying the three estates of the realm, is omnipotent, and can pass any law that it sees fit, however impolitic, unjust, or tyrannical its character. Hence, though the judges may sometimes be called upon, as in the two cases already mentioned, to oppose some illegal proceedings of the legislature, it can never be required to declare, that any law properly ratified by the two houses is unconstitutional and void. In the case of Wilkes, for instance, the court of King's Bench decided, in opposition to the opinion of both Lords and Commons, that "general warrants" were not authorized by the principles of the common law, nor by any statute already enacted. But if parliament had thought proper to pass a new law, expressly authorizing them in future, the court could only have submitted, and have lent its aid to carry the new statute into effect. But in this country, we have a written constitution, expressly restricting the power of the legislature to certain subjects, and, even on those, confining it within certain bounds. If these restrictions are really to amount to any thing, if the constitution is to be worth any more than the parchment on which it is engrossed, then there must be some tribunal in the state which shall have the power of enforcing them, and of putting a final stop to legislative usurpation. This duty belongs to the courts, and they are consequently required at times to interpose a peremptory negative to the proceedings of the legislature. How could the judges be expected to execute this responsible and delicate task, if the legislature, as the first token of its displeasure, could deprive them of the larger portion of their salaries ? What would be the value of the constitution, if the department which has it in charge, and whose duty is to enforce its several provisions, were at the mercy of the two other departments in the state, whose rights and powers are defined and limited in these very provisions ?

But leaving the comparison, so frequently made, though generally deceptive, of English institutions with our own, it may be asked, on what grounds does the governor of Ma-



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ryland invite the legislature to limit the judges' term of office. His recommendation is not coupled with any argument to show the necessity, or even the expediency, of the proposed alteration. He urges, indeed, — with what success we have already seen, — that the example of England ought to have no weight in America. But he does not show, that the practice both of England and America is faulty in any degree, or that it is productive of evils which might be avoided under a different tenure of office. After admitting, that "a judiciary independent of all the evil passions that may influence at intervals the mass of the community is certainly desirable," he affirms there is no evidence "that a tenure for life will, in itself, exempt the occupant of a seat on the bench from the possibility of feeling, in a greater or less degree, a sympathy in the passions that sometimes sway to and fro our popular assemblies." True ; but will a periodical reappointment to office lessen this evil ? Is it probable, that the judges will be more conscientious and inflexible in the discharge of their duties — more likely to confront an angry legislature or an excited populace, if their salaries and their offices are held only at the pleasure of those bodies whom they are expected to oppose ? Governor Thomas seems to argue, that because the judiciary under the present constitution is not entirely exempt from evil influences, it ought to be placed in a situation where it will surely be exposed to these influences in a tenfold degree.

Whence arises, then, we ask again, this anxiety "to get rid of judges once commissioned," unless it be from the wish to increase the number, already too great, of those offices which the executive may fill and vacate at its pleasure, and thus satisfy the demands of its hungry partisans, and extend a corrupting influence through the whole body of the people ? Is it politic, is it desirable, that the judges of our national and state courts should hold office on the same terms as the postmasters and the collectors of customs, and be displaced as frequently as these have been during the past twenty years ? Earnestly do we deprecate such a change, for we know of nothing that would sooner shake the confidence of the people in the capacity of our peculiar institutions to protect the rights and promote the well-being of the persons for whom they are established. Let it once be fully understood, that an unpopular decision of the courts

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will be followed by a prompt dismissal of the judges, and the legislature may as well abrogate the whole system of laws and judicial tribunals, and individuals bring their disputes with each other into a town meeting for arbitrament, and alleged criminals be arraigned at the bar of a popular assembly for trial. If the ultimate decision of all lawsuits and criminal trials, and doubts respecting the interpretation of the constitution, is to depend on a popular vote, let that vote be given directly and immediately on the subject in hand, and the whole cumbrous machinery of the courts, which now stands between it and its object, be done away.

There is a more specious argument for destroying the independence of the judiciary, which does not appear in the executive document now before us, though it is frequently urged in newspaper paragraphs and electioneering harangues, because it is better calculated than any other to make an impression on the unthinking multitude. It is founded on the doctrine that, in this country, the will of the people is, and ought to be, supreme in every respect, and no institution should be allowed to exist, which is independent of their authority. It is urged, that all our laws emanate from the people, and therefore should be referred for interpretation to the power which enacted them ; that the people are as competent to decide questions of law, as to select persons who shall make the decision for them ; and that a denial of this right and competency is a virtual impeachment of the constitution and the government under which we live. It is said, that the will of the people is usually made known only at stated times, and under certain forms, — as at elections, and by ballot or hand-vote upon questions regularly proposed ; but that these forms and seasons are adopted only for convenience, and the same power which required the observance of them may also dispense with it ; so that the popular will, however promulgated, shall form, for the time being, the supreme law, and the supreme exposition of the law.

This is all sophistry, and sophistry so gross, that one is almost ashamed to argue against it. The doctrine contained in it involves a denial of the superior advantages of society over the primitive and solitary condition of man, and a rejection of the forms and institutions by which alone the social state can be maintained. For its entire refutation, it would be necessary to go back to the theory which lies at

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the foundation of all government, and to show that *laws properly so called*, of supreme authority and permanent obligation, are necessary to the very existence of the social union. We propose to enter into no such discursive argument, but only to adduce a few brief considerations to show the utter inapplicability of such a theory to the form of government now existing in the United States. It will be admitted, we suppose, that the popular will cannot change the nature of right and wrong, any more than it can alter the fixed relations of quantities to each other, or change the figures in the multiplication table. It cannot make injustice, cruelty, and oppression right in the eyes of God, nor remove the stamp of his approbation from holiness and virtue. The functions of "a court of justice" are indicated by its title. Its province is to decide between man and man as to the requisitions of that law, which is not the mere creature of human enactment, but which is written in the heart, and is binding upon the conscience, of every intelligent being. Its office is to do justice, and so far from listening to the expressions of public sentiment, it is bound to disregard, if need be, in the cause of duty and integrity, the opinions, the wishes, and the interests alike of individuals and of the state.

Now, the founders of our present frame of government, whatever may have been their intentions with respect to the amount of power to be lodged directly in the hands of the people, certainly did not contemplate the establishment of a republic or a democracy, which should exist without any legal enactments whatever. On the contrary, they created a legislature, prescribed the manner in which laws should be passed, defined the subjects to which they might relate, and established the tribunal by which they were to be interpreted and enforced. A law is, from its very nature, an inflexible and universal rule, that governs the conduct, and defines the rights and duties, of all persons subject to the law-making power, during the whole period of its existence. It is not an unchangeable rule for the future, because the same power which enacted may abrogate it, and put another in its place. But it is unchangeable in its application to all cases which have grown up during its continuance. Adopt, then, the most comprehensive and unlimited theory respecting the sovereignty of the people; say that they may frame what enactments they like, on all manner of subjects, or may even

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annul all existing statutes, and live without law for all time to come. Still their power relates only to the present and the future. The past is fixed and irrevocable. The sovereign may enact or abrogate what rules it pleases to govern coming events and the future conduct of men ; but it cannot annul the rights, the contracts, and the expectations which have grown up under the laws that did exist. In respect to these, the government covenanted with every individual, and every individual with the government, that the statute should be respected and obeyed, *on condition* that it should be fixed and universal in its obligation. The price has been paid, and the fulfilment of the contract is demanded. Men have made bargains, and contracted obligations, and regulated their conduct, in strict conformity with the law. And they now require, that those bargains should be fulfilled, those obligations respected, and their conduct declared to be innocent, and not liable to punishment.

The business of the judiciary is to determine the rights and duties of individuals in conformity with previously existing laws. It does not, and it cannot, interfere with or limit the sovereignty of the people, because it neither claims nor exercises any portion of the law-making power. It deals only with the past ; it makes no laws, but only interprets and enforces those already made for it by another department of the government. Its decisions are binding for future cases, it is true ; but only because uniformity of interpretation is essential to that inflexibleness and universality which, as we have seen, grow out of the very nature of a legal enactment. And this stringent power of its expositions and decrees for the future continues only so long as the legislature or the people sees fit. A new rule of interpretation for new cases may be enjoined on the courts by the proper authority, with the same facility with which any new law may be passed for their guidance. But all previous cases must be determined by the old rule of construction, as settled by the courts ; since that was derived from the fixed principles of reason and justice, and the natural mode of interpretation, while the new rule is a matter merely of positive enactment. In short, the exposition of the law by the proper tribunals is to be deemed a part of the law itself, and equally imperative and unchangeable with it in reference to the past conduct of men. And it is clothed with these high attributes for the same

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reason that the law itself is invested with them ; — that men may know what to expect, and how to govern their daily actions. The statute and the mode of interpreting it may be altered at pleasure by the law-making power in reference to future cases.

We now see the reason why the legal tribunals rightly claim to be considered as the fountains of equity, justice, and natural law, however arbitrary, impolitic, and even unjust, may be the usages and the special enactments which they are required to interpret and enforce. They are not responsible for the intrinsic merits or defects of these customs and laws ; that is the business of the legislature. They only unfold and apply the great principle of natural right, or law abstractly considered ; which is, that the actions of men must be judged, and their consequences determined, by a fixed law, promulgated at the time when those acts were committed, imperative and permanent in its obligation in reference to them, and definite and unchangeable in its application. To ascertain what this law is, and to apply it to the case in hand, is the high function of the courts. Public opinion cannot aid them in this task, for it is not within the province even of Omnipotence to recall the past, or to alter one jot of the eternal law of justice. The clamors of the multitude must be unheeded, for the judges are listening to a voice as awful as that which proclaimed the law in thunder from the top of Mount Sinai. It is of law thus abstractly considered, that the sublime language of Hooker hardly seems to contain an exaggeration, when he says, that "its seat is the bosom of God, and its voice is the harmony of the world."

Enough has been said to show the entire absurdity of the doctrine, that because the people have the power to make the law, they have also the ability and the right to expound and apply it as they please. An uncertain and shifting exposition of legal requisitions and commands is as bad as the absence of all law ; it destroys confidence between man and man ; it annihilates all trust in the future ; it exposes the innocent to continued and cruel apprehensions of danger, and it comforts the guilty with the hope of escape from merited punishment ; it has been the characteristic feature of the most oppressive and tyrannical governments of which there is any record in history. But waiving the farther consideration of

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the doctrine in its full extent, as leading evidently to such pernicious results as to require no other refutation, it may be worth while to look more particularly at the minor inconveniences, which would follow the adoption of any portion of the theory. We say, then, that the people ought not merely to abstain from taking the law into their own hands, and giving a perfectly arbitrary exposition of it, but to guard the courts, so far as may be, from all extraneous influences; in other words, to make the independence of the judiciary as complete as possible. This duty results from the peculiar nicety and complication of the inquiries which the judges are obliged to make, the number and importance of the interests which they have in charge, and the general difficulties of their task. Their functions are not to be exercised by any person of common information and a clear understanding, nor by any mere sciolist in the law. They require deep study, and long and careful preparation. We have seen what a broad ground is necessarily covered by the labors of the jurisprudent, and what a vast accumulation of rules, usages, and special enactments he is obliged to ponder over and comprehend. For every doubt or cause of dispute that may grow out of the infinitely varied transactions and interests of men, he is to extract from this mountain of authorities a determining principle, directly applicable to the case in hand, by which it may be adjudged in strict conformity with the requisitions of justice and the previous expectations of the parties. Who will venture to come in haste, with his loins ungirded, to such a task? Who will undertake to perform it, when distracted between the clamorous expression of public opinion, the necessities of his own situation as dependent on a salary and an office that may both be taken away at the will of the multitude, and the still but powerful voice of conscience, and the known purport of the law, both requiring him to disregard the other disturbing causes, and to keep fast his own integrity? *They* tell him, that he is bound to pay as little heed to the will of the citizens as to the menaces of a single tyrant; that

> "Non civium ardor prava jubentium,
> Non vultus instantis tyranni"

must shake his rooted purpose.

The selection of competent persons to fill the various offices in the judiciary is one of the most important and

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difficult tasks to be performed in a republican country. In most of the States, as well as under the national government, the judges are appointed by the executive, subject to the approval of a council, or of one branch of the legislature; and this is undoubtedly the best mode, as the responsibility of making a proper selection is thrown, in the main, upon one person, and there is the least chance of foreign and improper influences being allowed to direct the choice. As the responsibility is divided, and personal or other wrong motives are allowed to bear sway, there is greater probability that unwise appointments will be made; as in some of the States, where the judges are chosen by the legislatures, and even, in a few instances, by the people. Here is no question about the comparative wisdom and integrity of the executive, the legislature, and the people. The same man who, as one member of a large body, would give his vote, and strive to secure the votes of others, for a friend, a relative, or a member of the same political party, though known to be poorly qualified for the station, would, if the responsibility were thrown entirely upon himself, most scrupulously avoid these very ensnaring influences, and scrutinize the pretensions of a candidate with the more care and jealousy, because he suspected himself of entertaining some personal bias. He would know that the eyes of men were upon him, watchful to detect any sinister motive, and that the consequences of any improper choice would redound entirely to his own discredit. Nor does the method which we here recommend constitute any departure from the true republican principle, that elections ought to be made by the body of the people. This principle applies only when the choice is to be made *from* the body of the people; that is, when the office is such, that a man of any class or profession, without previous study or professional training, is competent to fill it. We choose a lawyer, a physician, a military man, a merchant, or a mechanic, indifferently, to be a governor or a legislator, knowing that the question of his competency depends very little on his previous avocations, and of his general character all the world can judge. But the law, as we have seen, is an abstruse and difficult science, requiring many years of study and practice for its mastery. In general, only members of the bar are candidates for situations on the bench, and of their respective qualifications,

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one person, in whom the people have so much trust that they have already confided to him an important office, is a more competent judge than the people themselves, — especially when he is held to a strict responsibility. It would be even more unwise to confide the appointment of the judiciary to a numerous assembly than to choose the physician of a hospital, or the captain of a ship, by a popular vote. It is true, the mass of the people know nothing about physic or seamanship; but if they did make a poor selection, the evil would be felt only by the patients, or by the passengers and crew; whereas, the hurtful consequences of the blunders or the crimes of an incompetent or a dishonest judge in office are thrown broadcast upon the community, falling most severely upon the electors themselves.

But one other question remains to be treated in connexion with this part of our subject, and that concerns the amount of salary to be allowed to the judges, and the possibility of diminishing it while they continue in office. In regard to this last point, we may say, that it is vital to the independence of the judiciary; for if the salaries may be reduced at pleasure by the legislature, the judges are quite as much at its mercy, as if they were subject to the chances of a periodical reappointment to office. It is mere mockery to retain a provision in the constitution, which requires that they shall hold office during good behaviour, when another department of the government may at any time deprive them of all means of support by reducing their compensation to a nominal sum, and thus render their continuance on the bench impossible. It being self-evident, that the provision would be made wholly nugatory by the assumption of such a power on the part of the legislature, to argue the matter any farther would be only to repeat all that we have said in favor of the entire independence of the tribunals of justice.

In reference to the amount, it needs only be said, that the salaries should be honorable, and sufficient to insure the highest degree of legal knowledge, ability, and character, which the bar of the place can afford. It cannot be expected, that eminent lawyers will sacrifice large professional gains for the sake of a seat on the bench, if the change does not bring with it compensation enough to support them in their usual style of living, and to maintain the dignity of the office. The standard, of course, varies in different places. The



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income from his profession, of a distinguished practitioner at the bar, in one of our large cities, often exceeds ten thousand dollars a year, while that of a country lawyer may not be one thousand. Vermont and New Hampshire, therefore, can support a judiciary at less expense than New York and Massachusetts; for the salaries of the judges will naturally be proportioned to the profits of the lawyers, and as there are no large cities in the former States, both the bench and the bar are contented with comparatively small incomes. It may be added, too, that in these cases, from the limited amount of legal business created by a small population, mostly agricultural in their pursuits, the labors of the judiciary are lighter. At any rate, by offering a moderate salary, the government can command the highest legal ability to be found in the State. At Boston and New York, in order to attain the same end, it must bid higher. The necessities of the State are greater, the business of the courts larger and more important, and proportionally high inducements must be offered, before eminent practitioners will quit lucrative employments for the sake of a title and an office.

In the executive document now under review, Governor Thomas complains, that "there is not a State in the whole Union, notwithstanding the population of several of them is quadruple that of ours, where the number of the law-judges, and the amount of their salaries, are not less than those of Maryland." We doubt the truth of this assertion;* but if it were well founded, it would be not at all to the purpose. Baltimore is a city of great population and commerce, where the professional earnings of eminent lawyers are probably very great, and the State is obliged to offer them high sala-

* From the latest authority, "*The American Almanac for* 1844," it appears that New York, not reckoning her courts of Common Pleas, has twenty judges, and pays them about $44,000 per annum; Virginia, in her Court of Appeals and Circuit Courts, has twenty-seven judges, and the aggregate of their salaries is $46,550; and Pennsylvania, in her Supreme Court, District Courts, and Courts of Common Pleas, not counting the Associates in nineteen districts, has thirty-five judges, whose salaries amount to more than $75,000. According to Governor Thomas's own statement, Maryland has but "twenty-one common law judges and a chancellor, at an expense for their salaries of $36,500 per annum"; and yet he affirms, that "*New York, Pennsylvania, Virginia,* and Ohio pay respectively a less sum in the annual salaries of their judges than that with which our treasury is charged!" We might adduce several other States, in which the expense of the judiciary is greater than in Maryland; but the above specimen of the Governor's accuracy is quite sufficient.

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ries before they will abandon their lucrative practice. And it can well afford to do this, considering the magnitude and importance of the business which comes before its judiciary. Ohio has no city the population of which is one half so great as that of Baltimore ; and considering the scattered situation and agricultural pursuits of the great majority of her inhabitants, it is quite probable, that her courts may be maintained at less expense than those of Maryland. It is doubtless true, that, in any State, men may be found who will accept a situation on the bench with no higher wages than those of a common ploughman ; but the duties of the office would certainly be performed by them in a ploughman's fashion. Are the people willing to trust the decision of cases in which their property, their reputations, and even their lives may be concerned, to courts constituted in this fashion ? Is it desirable, that, in all the States, as is notoriously the case in one or two already, such appointments should be made as to render the bench an object of contempt and derision to the bar ? If not, then the small portion of the annual income of the government which is devoted to the support of the judiciary must not be grudgingly given, and the salaries of the judges must rather be increased than diminished.

We need not apologize for the length of our remarks on this subject, as there is especial reason for considering it at the present day. The financial embarrassments, under which the country has suffered for some time, have induced several of the States, during the past year, to curtail to a considerable amount the sum annually paid to their judges, and a serious injury has thus been inflicted on their judiciary systems, the evil effects of which will be felt for a long period. Pennsylvania, Alabama, Louisiana, Arkansas, and Kentucky have recently effected a paltry saving in this way ; and the legislature even of the rich State of Massachusetts, with a population of three quarters of a million, and property which was assessed two years ago at three hundred millions, while the aggregate annual expenses of the government are considerably less than half a million, deemed it necessary, at its last session, to save the miserable sum of four thousand dollars a year, by cutting off about one seventh from the salaries of all the judges. Divided among the population, this saving amounts to half a cent a head ; and for the sake of this poor pittance, the legislature has demolished at a blow the very

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foundation of the independence of the judiciary. And it has done this in the face of a provision in the State constitution, which requires, that the judges "shall hold their offices during good behaviour," and shall receive "honorable salaries *ascertained and established by standing laws.*" As at one session it has taken off one seventh, at the next it may remove five sevenths, of the salaries, and thus the whole body of the judges may be driven from their posts. If this measure is sanctioned by the people, we hope, for the sake of consistency, that the language of the constitution may be altered, so that this clause shall affirm what is now true, that "the judges hold office *during the pleasure of the legislature.*"

These and similar measures are adopted from the supposed necessity of conforming to the theory of our political institutions by establishing the supremacy of the people on every point, and diminishing the amount of taxation in every possible way. Away with such a mean and baseless scheme of political philosophy! It is not true, that the people desire to have arbitrary power put into their hands, to be used against the requisitions of justice, or that their own burdens should be lessened in an insignificant degree by taking away the freedom and dignity of the legal tribunals. The financial prosperity of a state depends as much on the reputation of her courts of law, as on the funds in her treasury. "Public credit," says a vigorous writer, "is wealth; public honor is security. The feather that adorns the royal bird, supports his flight; strip him of his plumage, and you pin him to the earth." Not to uphold the common credit by a watchful regard for the common integrity, is to sacrifice the highest interests of the state, and to throw a reproach on the republican name. It is to build up unjust and arbitrary power under the deceitful semblance of a democratic institution. If the judiciary is to be spoiled of its honor and its independence, if the security of property, and the rights of a citizen, are to be made the sport of popular caprice, if the country is to be subjected to all the evils of an uncertain and changeable exposition of the law, it had been better for the people if the Declaration of Independence had never been signed.

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ART. VII. — *Was ich erlebte, aus der Erinnerung niedergeschrieben*, von HENRICH STEFFENS. (*My Experience — written from recollection*, by HENRICH STEFFENS.) Breslau; bei Josef Max und Komp. 1840 – 2. 6 Bände.

THIS is a work of great and varied interest. In the enjoyment of a green and cheerful old age, his memory still unimpaired, his imagination yet buoyant, and his feelings having lost hardly any of the fire or the elasticity of youth, the venerable author sat down to sum up the results of a life, which stretches back as far as the year 1773, and which has been filled with a great variety of incident. In childhood, he listened to the stories of those whose memory extended over the whole range of the eighteenth, and even into the seventeenth century. His birth occurred but ten years after the conclusion of the seven years' war of Prussia; and thirteen before the death of the great Frederick. He was rocked in the cradle at the same time with Tieck and Novalis; learned his letters with Hegel and Schelling; and was sleigh-riding over the widely spread snow-plains of Norway, when Napoleon was firing off his mimic cannon at Ajaccio. The boy was old enough to empty his bowl of punch on the joyful occasion, when the flags flying at the mast-heads, and the cannon roaring from the decks of the battle-ships of almost every nation, then at anchor in the roadstead of Elsinore, proclaimed to the sympathizing friends of liberty, that the independence of the United States of America had been acknowledged by George the Third. He was sixteen years of age, when his father returning home one day, his countenance flushed with exultation, and his eyes bright with tears, announced to his assembled children the opening, at Paris, of that great European drama, which, as he then fondly hoped, would for ever unloose from their necks the yoke of aristocratic tyranny, and open before their youthful feet the path to golden fortunes.

Born in Norway, educated in Denmark, and, for the greater part of his life, a subject of Prussia, the interests and sympathies of Steffens have been closely allied with the fortunes of three different lands; and at a period when the most important changes passed over their institutions and

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their destinies. His history is accordingly connected with such events as the battle of the Baltic, the elevation of Bernadotte to the united thrones of Sweden and Norway, and the fall and resurrection of Prussia. The early part of his education fell under the old *régime;* but his later culture was subjected to the various revolutionary influences, — to the altered opinions and habits of the new order of things. He grew up the contemporary and friend of those gifted spirits that formed the famous Jena circle, — Goethe, Schiller, Fichte, Schelling, Tieck, Novalis, and the Schlegels; and during the course of his prolonged life, he has witnessed the early growth, and now, perhaps, nearly the last development, of the literature and art of modern Germany. In the great literary movement of the Germans, Steffens himself has borne no unimportant part. His numerous contributions to physical science, and his highly popular novels, have given him rank among the most eminent authors of his times. At present, he holds the offices of professor in the University of Berlin, and counsellor to the king of Prussia; and adorns his conspicuous station with the graces of elegant manners, entertaining and instructive conversation, and the lustre of a pure, generous, and manly character.

Henrich Steffens was born of Danish parents, on the 2d of May, 1773, in Stavanger, on the western coast of Norway, — a place where formerly were performed, according to Snorro Sturleson, the Herodotus of the North, some of the most celebrated feats of Scandinavian heroism; but which, at the present day, is less poetically known for its success in the herring fishery. In his third year, his father, with the hope of carrying on the practice of medicine to greater advantage, removed his family to Trondheim, where Hakon Jarl anciently bore sway, and Saint Oluf introduced Christianity, — giving his name to a church, historically the most important in Norway, and, in an architectural point of view, one of the most remarkable in Europe. This church, the burial-place of the old Norwegian kings, made an indelible impression on the boy's imagination; but not greater than that produced by the fortress of Munkholmen, perched upon the summit of a rocky island in the bay of Trondheim, in which had formerly been confined the great Danish lawgiver, Griffenfeld. So many stories had been told to the child of the greatness of the illustrious prisoner, and so closely had

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he associated his name with the rugged fortress, its towers often enveloped in mists, and its granite foundations ever vexed by the waves, that, during his four years' residence in Trondheim, he never could get rid of the strong impression that the great legislator was still there. Facts like this show how naturally the belief springs up among the uncultivated, that particular places are haunted by the spirits of the departed.

The next change of his father's residence brought young Steffens to Elsinore, in Denmark. This place, rendered classic by Shakspeare and Campbell, is situated on the southern shore of the Cattegat. From the heights above the town, the houses, which are compressed into two long streets running parallel with the shore, appear to be swimming upon the water. Bridges run out from the town far into the shallow waters of the Sound; and upon these, by means of boats, are landed the cargoes of the ships that lie in the roadstead. A level beach, also, stretches out into the midst of the turbulent waves of the Cattegat; and upon a "wild and stormy steep," rise the gray walls and strong towers of the castle of Kronburg. The heights in the rear of the town are ornamented with pleasure-gardens, and by the royal palace of Marienlyst. On the other side, in the distance, are seen, boldly projecting into the Sound, the mountains of Sweden; while between these and the Danish coast, are constantly passing the ships of every nation. To the southwest, the island of Hween rises proudly from the water, showing the ruins of the castle and observatory of Uranienburg, the residence of the famous Tycho Brahe. A larger number of vessels pass through the Straits of Gibraltar than through the Cattegat; but Gibraltar and Ceuta lie nearly twenty miles asunder, so that the ships which here enter the Mediterranean are lost in the distance. But the Sound at Elsinore is only between two and three miles in width; and as there are shoals on the Swedish coast, vessels are compelled to sail near to the shores of Denmark. At Elsinore, also, without being jammed together, as in the famous harbors of Bordeaux and Marseilles, or upon the Thames at London, or the Elbe at Hamburg, the numerous vessels have ample space for lying at anchor.

Steffens was delighted, in calm summer mornings, to survey the scene that, from his chamber windows, lay spread

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before him. The sun, rising above the dark coast of Sweden, gilded the surface of the tranquil waters. In majestic repose lay the royal guard frigate; around slept upon the quiet deep ships of every size and country; while over all was thrown the half transparent veil of morning mists. Silence reigned over the scene. Then suddenly were heard the morning bells from a hundred vessels; at the same time, the cannon of the royal frigate sent forth a morning salutation, and the smoke of the guns curled slowly up into the air. During the day, both the shipping and the town were full of animation. Men from almost every clime hurried through the streets; boats propelled by oars or sails were moving in all directions; now were heard the songs of the crews discharging the cargo; then the fortress received or returned the salutes of foreign squadrons, or single ships that sailed through the Sound. At evening, as the last rays of the sun lingered upon the flags at mast-head, and the hum of business had subsided, the evening bells rang again together, and the guns of the royal frigate pealed out their hoarse, gruff vespers.

Though a precocious child, Henrich learned less in school, at this period, than at a neighbouring landing-place, frequented by fishermen. Here the boats were drawn up, and the nets spread out to dry; hence the fishermen sailed merrily out to sea; and hither they returned with well-laden boats. Henrich played with the wild fisher boys and girls; wrestled and bathed with his schoolmates; or roamed with them along the shores and over the fields. Being petted by the sailors, he soon made his way to the ships that lay off Elsinore, became familiar with all parts of both vessel and rigging, inquired into the nature of their cargoes, listened to "'fore the mast" descriptions of foreign ports, and sailors' stories of life at sea. This fondness for roaming about with rough companions, and living in the open air, was favored by the father, who, being by nature of a violent and headstrong disposition, and, from poverty, discontented with his lot in life, held the opinion that it was best for boys to learn to help and defend themselves, instead of disqualifying their minds, by bending all day over books, for ever learning any thing from real life. Being fond of bathing in the coldest water, he was in the habit of putting his boys, as early in the season as April or May, into a hogshead, and then pumping

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cold water upon them. During the winter, when the snow was lying in the court-yard, they were accustomed to run out and roll themselves naked in the snow. When Henrich was but four years old, his father threw him into the water, giving him his choice either to sink or swim ; so that the art of swimming was learned almost as early as that of walking. To punish his children, whenever they committed a fault, the father could not find time, but ordered the maid to note all gross improprieties of behaviour, and when a sufficient number had accumulated, a general trial day was appointed, and sufficient chastisement was inflicted for all the offences at once.

But in spite of the roughness of his life out of doors, young Steffens often sat quietly at home, for hours together, over his book, absorbed in dreamy thought. Like his mother, he was mild and affectionate in his disposition ; and when promoted to the Latin school, was one of the most studious pupils, until, by an unmerited blow, his teacher developed the first feeling of bitterness in his heart, and drove him out from the paradise of his childhood.

It was during the residence of Steffens in Elsinore, that the American war of independence was ended ; and we are happy to hear from our author of the joy which this event called forth in that distant seaport. Even in that small and retired place, there were many hearts that beat high when it was announced, that the cause of liberty in the New World was victorious. The storm which had raged upon the American coast, heaved across the Atlantic a mighty swell, and, after tossing its spray against the white cliffs of England, and greeting with its murmur the sunny coast of France, broke at last upon the distant shores of the Cattegat, and kissed with a gentle ripple the beach of Elsinore.

"I was sufficiently instructed," says Steffens, "respecting the importance of the war in North America, to interest myself with my whole soul in favor of a people who fought so bravely for freedom. Among the great men of that time, who attracted my attention, were Washington and Franklin ; and the application to the latter of the line of Juvenal (?)

'Eripuit cœlo fulmen sceptrumque tyrannis,'

produced a deep impression upon my imagination. The heroic Washington excited my wonder ; but the lot which appeared to



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me most to be envied was that of Franklin, who, born in an humble family, had become a celebrated writer and philosopher; and being at that period a representative of his struggling country, attracted the admiration of the most gifted men of his time. There were, indeed, few young men of cultivated minds then living in the peaceful kingdom of Denmark, who did not espouse the cause of the Americans. The opinions of my father kept alive, as they had at first awakened, the sympathies of his children with the cause of freedom. It was this war which cast the glowing spark of liberty not only into France, but into all lands of the civilized world, where it was afterwards fanned into the fires of the Revolution. And it was, therefore, interesting to observe how this enthusiasm for freedom was cherished in the quiet family circles of distant and peaceful countries; and how the imagination of glowing youth intimately associated their own private fortunes with the future destiny of Europe and America.

"I remember still very distinctly the day when the establishment of the peace, which confirmed the victory of struggling freedom, was celebrated in the town and roadstead of Elsinore. On the evening before, we began to look forward with great eagerness to the coming morning. The day proved to be a beautiful one; the roadstead was filled with the ships of all nations, and among them were several men-of-war. All the vessels were in their festive attire. Flags and streamers waved gently in the wind from the sterns, the bowsprits, and the rigging of the assembled fleet. This unusual display, the cannonade from the men-of-war, and even from every merchantman that happened to have a gun or two, and the rejoicings of the crews who filled the decks, made a holyday for those on shore. My father had invited a company of guests, who entered into animated conversation upon the victory of the Americans, and the cause of freedom in all lands. A presentiment of the great events that were to follow in the train of this important victory seemed to fall upon the minds of the rejoicing company. The time appeared as the friendly morning twilight of a bloody day in history.

"Our father wished to cherish in us the love, then feeble and limited in our young minds, for civil liberty. Accordingly, contrary to custom, we were called into the parlour, where we were instructed respecting the object of the festivities of the day, and were invited to drink to the rising fortunes of the new republic. In our garden, a Danish and an American flag floated in the breeze; a small mortar was thrice discharged; our glasses were filled with punch, and to our infinite delight, we were allowed to hurrah with our parents for liberty and America."

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From Elsinore, when Henrich was eleven years old, his father was called as regimental physician to Roeskilde. In this quiet spot, on the woody shore of the Cattegat, where from his chamber windows he could count almost as many church towers as there were masts in the busy bay of Elsinore, and where the still life of the husbandman among the fruitful valleys and hill-sides appeared so unlike the bustle of a seaport, young Steffens cultivated that enthusiastic love of external nature which became a characteristic feature of his mind, and gave a direction to the whole course of his future life. In this place, also, once the splendid residence of the Danish kings, the walls of which had been witnesses of the great events that made Denmark illustrious, and whose cathedral, erected in the middle ages, and containing the consecrated tombs of the Scandinavian monarchs, is the most remarkable church in the country, — was awakened in the mind of the young scholar his first interest in historical studies. Literature, too, engaged his attention; and it is somewhat remarkable, that "Tom Jones," his favorite novel, should not only not have tainted the purity of his mind, but, on the contrary, have exerted a strong and beneficial influence in the formation of his character.

In Copenhagen, whither his parents removed from Roeskilde, Steffens had the misfortune to lose his mother. Descended from one of the most respectable families in the country, she was distinguished for her beauty, was of a happy disposition, and grew up the favorite of her parents. Marrying Dr. Steffens, however, with nothing but his personal attractions to recommend him, she was neglected by her relatives, and, becoming an invalid after marriage, was recollected by her son as pale and emaciated, though with features the most delicately feminine, and eyes in which shone the purity and mildness of the heaven to which she soon ascended. A gentle word from this pious mother was sufficient to calm the storms of passion to which the son was sometimes subject; her instructions preserved him from vicious courses; and her good example nurtured in his heart the most beautiful, as it was the simplest and most natural, form of piety. Endowed with a healthy body and a sane mind, his religion was, at no period of his life, of a character to make him either melancholy or sanctimonious. It restrained his passions, without eradicating them. Alike opposed in its spirit to

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pharisaical formality, to theological dogmatism, and to that vapid sentimentality which lacks the strength to grasp firmly any fixed principles of belief, and weakly lets go its hold of all established forms of worship, it was free both in opinion and practice without being lawless, and was of the highest spiritual character without any approach to effeminacy.

Copenhagen is acknowledged to be one of the most beautiful cities of Europe. From the neighbouring heights of Friedrichsberg, one sees below him the entire town with its towers and palaces. A forest of masts rises from the harbor beyond; the wide Sound is gay with ships; near by, Hveen and other well-wooded islands float upon the beautiful water; and stretching away in the distance lies the coast of Sweden. The city itself is the Paris of Denmark; and Steffens was suddenly ushered from the still, religious life of Roeskilde, into a world of varied fascinations and strong excitements. The change, by bringing at once before him such a number of new objects and varying scenes, seems to have produced an almost bewildering effect upon his mind; and created in him an extraordinary excitability of temperament, not unlike the restlessness of the Cattegat, upon whose wild waves he had been so often tossed in boyhood. For several months after his arrival in the city, and at an age when young men of talent usually strive to translate themselves into the heaven of poetry and speculation, he devoted himself to the study of the prose of real life. He spent much time in the streets, observing with eager eye the variegated life of the inhabitants, the turmoil of business, and the shows of pleasure; and listening with greedy ear to the songs of the street-minstrels, the cries of the Jews who sold old clothes, and of the pretty girls who offered flowers, the sound of bells, the roar of carriages, or the martial music that enlivened the daily military parades. All these things were noted by the excited mind of the young man, and supplied his fancy with the means of picturing to himself — a practice to which he was much addicted — the different conditions of human life, and the great diversities of human character. He here saw the world, improved his powers of observation, and collected a fund of knowledge quite as valuable, perhaps, as that which is acquired at school.

The Danes, like the Germans, are fond, on a pleasant afternoon, and especially on holydays, of making short pleas-

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ure excursions into the country. Parents go out with their children to take tea at some of the houses of entertainment, with which all the large towns are surrounded ; small parties are formed to ride or walk to some neighbouring spot of interest ; and friends in couples stroll forth to enjoy conversation in the fresh air of the suburbs. These cheap pleasures, which young Steffens often enjoyed in company with his father and brothers, are highly relished by all classes of the people ; and conducive as they are to health and a cheerful enjoyment of social life, they can hardly be too highly estimated. The following picture gives us a view of one of the larger popular festivals ; though of some of its parts we can hardly speak in terms of commendation.

"The spot where the greatest crowd assembled from the city, at this season, lies in the midst of the great park which stretches from Copenhagen along the shore, in the direction of Elsinore. There, under the shade of trees, in the neighbourhood of a fountain famed from early times, and with the origin of which a beautiful legend is connected, were erected a large number of tents, that, from St. John's day to the 14th of July, were filled with visiters from the capital. During this period, small carriages of basket-work, with three seats, might be daily seen leaving Copenhagen for the scene of the popular festivities. Even the poorest families grudged not the expense of riding out of town in one of these vehicles. The high road swarmed with carriages and persons on horseback. In the park itself, all was in motion. On every side were heard songs ; the larger tents sent forth a flourish of trumpets ; and in the smaller ones, hand-organs, at that time novelties, and violins discoursed indifferent music. The common people expressed their delight in loud shouts and laughter, after their own fashion ; and in the midst of this chaos of sounds, surrounded by the exulting populace, one might see many families of the higher classes — gentle dames and lovely maidens. These had come from the country seats and pleasure houses in the neighbourhood ; and alighting from their carriages at a little distance from the tents, they walked about for a short time, mingling as spectators in the wild and unrestrained rejoicings. Here were all kinds of refreshments, — puppet shows, juggling, rope dancing, and sometimes menageries. Those persons who devoted themselves exclusively to the pleasures of the tents, and remained in them at night, belonged to the lower classes. When the weather was warm and clear, they slept for a few hours in the open air, under the trees ; when it

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rained, they were huddled together in the narrow tents. The young men of ampler means caroused in booths furnished with better accommodations.

"I know of no other city that celebrated so many holydays in succession, and in the same place. These festivities often assumed, indeed, a coarse, and even offensive, appearance; but there were always many families that went out merely to enjoy the beautiful country at that delightful season. In the forest, where it borders on the shore, as well as where it rises to the hills, one might see family parties assembled under the trees. Groups of persons, seated round a clean table-cloth spread upon the grass, partook of the food and wine they had brought from town; cheerful songs alternated with sprightly discourse; and the wood resounded with merry peals of laughter. Free from care, these happy mortals, while the birds sang in the branches and the sunlight slept in the tree-tops, nestled like children in the bosom of their fair, fruitful mother earth."

In the whirl of town excitements, which lasted six months or more, much of the peace of mind that Steffens had enjoyed at Roeskilde was lost; and afterwards, upon his entrance into the university, the religious enthusiasm he had experienced in the country was compelled to give way, in a measure, to an absorbing passion for science and literature. To his studies he devoted himself with great diligence and success, until they were suspended for the purpose of taking a situation as tutor in a private family in the country. This place, however, he held but a short time, though long enough to convince his patron, that a genius was a most unfit person to teach children to read, write, and cipher, — and long enough, also, to learn for himself, even if he taught his pupils nothing, some sad lessons from the book of human experience. Returning to the university, he was maintained in the house of a kind-hearted uncle of the maternal line, and by him was introduced into the best literary society of the place. During his university life, English and German literature occupied a portion of his leisure hours. He seems to have derived no little benefit, also, from the theatre, which at that time was well conducted; he belonged to a society of literary gentlemen, who gave theatrical representations as amateurs; and even joined, for a short season, a company of players, somewhat after the manner of Wilhelm Meister.

The manners and habits of the Danish students, in the

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latter part of the preceding century, were not unlike those of their brethren in Germany. They were fond of convivial entertainments, at which the song rang cheerily, and the wine-cup was sent briskly round. The students at Copenhagen, however, never descended to that hirsute vulgarity of manner, and bestial sottishness of habits, of which the German Burschen, as they puffed at their long-tailed pipes, and gulped down mighty potations of strong beer, so shamelessly made their boast.

In one of the literary clubs to which we have alluded, Steffens frequently met the celebrated sculptor Thorwaldsen. The appearance of this gifted man, at that time, is described as being in the highest degree prepossessing. His features were remarkably regular, his manners were quiet, the enthusiasm with which he spoke of subjects connected with his art fascinated the hearer, and his slender and almost plastic figure showed that nature had conferred upon him, not only the divine power of forming beauty, but beauty of form itself.

Having now attained his majority, our author was sent into Norway by a society for the promotion of the study of Natural History, to extend his practical knowledge of botany, zoölogy, and mineralogy. He had for years longed to visit his native mountains; and now, being supplied with a small sum of money, he commenced, with mingled hopes and fears, his first travels. Arrived in Bergen, though already nearly out of funds, he contrived to make his way into the best society of the place, and prosecuted his mineralogical studies in the adjacent mountains. While in this city, although he had already formed the design of exchanging the profession of divinity for that of letters, and had not been in the habit of speaking from the pulpit, he preached a sermon that, by its eloquence, had great effect in the city, and, by its liberal sentiments, attracted the disapprobation of the authorities.

He soon left Bergen, in order to make some zoölogical investigations among the islands on the coast. Here his zeal for science led him to encounter considerable perils, and to undergo many hardships. His fare was often reduced to bread and water; he was frequently compelled to pass the night in the filthy huts of the islanders; and sometimes, when on excursions with the fishermen, after having listened to their evening hymns and prayers, and having gazed for

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hours into the brilliant skies of those northern nights, where the twilight lasts till morn, he lay down to be rocked to sleep in the cradle of his open boat.

On one of the islands off the coast, our traveller witnessed a bridal ceremony, an account of which we translate, as illustrative of the manners of the rude inhabitants of those remote regions.

"We descried on the open plain a small wooden church, surrounded by a large number of peasants. On our arrival, I was introduced to the priest, a middle-aged man of lively temperament and coarse manners. He invited me to attend the services, and introduced me to the bridal pairs, who, standing together, formed quite a large company. The brides were arrayed in a costume, the fashion of which had probably remained unchanged for a century or two, and which struck me as being not a little singular. They wore a black dress, silver or gilt chains around the neck, and gilt crowns upon the head. Most of them had coarse, plump figures, and were highly embarrassed and awkward in their movements.

"Drums were heard among the crowd about the church, and guns were frequently fired in honor of the day. A young man stole up to the company with whom I was conversing, held the barrel of his gun above our heads, and fired in such close proximity to my ears as to make me for some time quite deaf. This was intended as a mark of respect.

"The brides were now led into the church; the preacher followed; and the building was immediately crowded. The preacher took his stand, in a careless, irreverent manner, before the altar, and one bridal pair after another was conducted before him. The marriage forms and the not very short exhortations were eleven times repeated — the speaker frequently interrupting himself to scold the peasants, and give them directions for keeping or restoring order. After getting through with five or six pairs, he suddenly turned round to me, who sat near by, and cried out, as he wiped the perspiration from his forehead, 'This is unendurable; hand me the Madeira; you will find the bottle under the bench.' As there was no glass there, I handed the bottle itself. This he raised several times to his mouth, returned it to me, urged me to drink likewise, exclaimed good-naturedly 'This strengthens a fellow,' and continued the ceremony. For my part, I thought that what could be done without offence by the pastor, would be surely allowable in me; and, indeed, the pestilent atmosphere rendered such a refreshment absolutely necessary.

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"The marriage ceremony had lasted at least several hours, when at last the preacher ascended the pulpit. His sermon was pronounced in as *nonchalant* an air as had been the preceding services. He inveighed with great zeal against rationalists and heretics of every description, — Atheists, Deists, Armenians, Socinians, and Pelagians. At last, to my utter amazement, suddenly turning round, he directed his discourse to me personally, as if I were not altogether free from the offence of unbelief. All eyes were of course fastened on me at once; and I had reason to fear, lest I should be looked upon by the assembled congregation as no better than the heretics just anathematized. The audience showed no signs of being edified by the discourse, but a great many appeared to be amazed at the learning and the eloquence of the orator. After the sermon, which lasted an hour and a quarter, a long hymn was sung; and it was not till at the expiration of five or six hours that I was permitted — after having, in imitation of the pastor, again refreshed myself with the excellent Madeira — to regain once more the open air.

"Out of doors, the air resounded with the roll of drums, the report of guns, and the shouting of the people. The pastor invited me to remain, and witness the bridal festivities; but I was glad to escape. To my question, why he singled me out as a heretic before the congregation, he laughingly replied, that it was a mere joke; and expressed opinions that brought to my mind the religious amusements practised in Mexico and Rio Janeiro."

For descriptions of the sublime scenery of the Norwegian coast, we refer our readers to the author's two popular novels, "Malcolm" and "Die Vier Norweger," and content ourselves here with giving the following short extract:

"I ascended Folgefonden, that immense plain of eternal snows, which, here and there, on the steep declivities, form small and pyramidical glaciers. I often lost myself in the waste mountain solitude, rambling about alone, and absorbed in contemplation of the mighty masses of Nature. A mingled feeling of delight and dread came over me with overwhelming force, when, standing upon the glittering, widely spread snow-plains, I saw still others stretching away into the remote distance, though deceitfully seeming to be near; and when, at other places, above the most elevated cottages of the cowherds, and above the last traces of the dwarf, Alpine vegetation, I beheld on all sides nothing but naked, shattered rocks, or bald mountain lakes, whose dusky waves rolled heavily in these torpid regions. At



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such times, I learned the fascinating power of rocky Nature. It possessed an enchantment, alluring like that of torrents, but darker and more dreadful.

"But, in the very midst of the awful mountains of the North, one meets, to his surprise, in valleys like Sognedal, with an exceedingly mild, and even southern form of nature. These vales are real forcing-houses. The severe cold of winter, and the rough northern storms, descend not into them, but waste their forces upon the rocky summits of the mountains. Here below, the snow, even in winter, changes into rain; and the sun, shining warmly in, creates almost a southern climate. Spring flowers start up in March and April. Meadows, kept constantly fresh and green by the water that trickles down from the heights, alternate with fields of barley and rye. The strong, fertile soil bears the alder and the asp, the oak and the linden. The leaf-bearing trees here take the place of the firs and pines of the mountains. In the extensive gardens grow the noblest and most luxuriant species of fruit. By the roadsides bloom various kinds of flowers of most exuberant growth, such as surprise the traveller in the richest parts of Seeland. I well remember the impression with which I first trod these enchanting, but perfectly wild, northern gardens — transported, as it then seemed to me, from their native tropics to the North. It was at first highly cheerful, but afterwards quite sad; for the appearance of man in these beautiful vales is any thing but pleasing. Sunk in coarse sensuality, the inhabitants generally live in smoky huts without windows, and go about clad in rags and dirt."

The result of our traveller's studies in Norway did not equal his youthful anticipations; and, from reluctance to appear before his friends in Copenhagen with what seemed to him a meagre account of his journey, he formed the bold design, instead of returning to Denmark, of going to seek his fortune in Germany. Having received pecuniary assistance from a friend, he was enabled to carry his design into effect. But suffering shipwreck on the German coast, he appeared in Hamburg without a shilling in his pocket, in an old coat that hung loosely about him, for which he was indebted to the generosity of the captain, without friends, and with little or no practice in speaking the German language. A couple of months were spent in the study of men and things in the streets, the gardens, the coffee-houses, and wine-cellars of Hamburg. Then, with all his worldly goods

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and chattels slung in a knapsack over his shoulders, and a favorite dog at his heels, he set off, with a vague but constraining impulse to roam about in freedom and see the world, on various pedestrian excursions into the surrounding country. His purse, however, was soon exhausted; and, after living a week upon bread and fruit, he fell sick, and came very near dying from starvation — a fate he preferred to compliance with the proposal of his banker, who generously offered to take him into copartnership, provided only that he would marry his sister. At last, he was reduced to the necessity of taking refuge in the house of his father, who was at that time living in straitened circumstances in Rendsburg. After a year spent under the paternal roof in laborious study, Steffens started, in 1796, with five Prussian dollars and a couple of letters of introduction in his pocket, and a strong presentiment of future distinction in his heart, to see what fortune might have in store for him in the university town of Kiel in Holstein. There, by the advice of a friendly professor, he at first gave lessons to a few children in Natural History, but soon afterwards entered upon his professional career as *Privat-Docent* at the university, where the copiousness of learning, the brilliancy of imagination, the ardor of sentiment, and vigor of thought with which he spoke from the *Cathedra*, drew around him, in a short time, a large audience of attentive and grateful pupils.

We translate the description of the manner in which the young *Privat-Docent* was introduced to the eminent jurist Cramer, which may serve to exemplify the well known peculiarities of German Professors in the latter part of the last century.

"The manner in which I made the acquaintance of the celebrated jurist Cramer was at least original. As I was conducted to him in the garden of his country house, I heard loud shouts and laughter, and saw several young men jumping, one after another, over an elderly gentleman, who stood bent over for the purpose. A lady standing near him said, as she observed me — 'Cramer, here is Steffens.' 'Good,' replied the Professor, without altering his position, 'let him jump over me.' Upon the word, I sprang high over him, and turning round, after the successful leap, made my compliments. He gave me his hand with a smile, and after such an introduction, I was, of course, received without further ceremony into his circle, and treated as a familiar

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friend. Notwithstanding this playful behaviour, Cramer was an earnest, quiet, and thoughtful person, as well as a severe and thorough scholar."

As Steffens, at this period, began to apply himself to the study of German philosophy, and to make the acquaintance of many of the most distinguished living philosophers, we now proceed to give extracts of rather a graver character and a higher literary interest than those already introduced. The writers whom he principally studied were Spinoza, Kant, and F. H. Jacobi, — the former of whom made upon him, as upon the best German minds of that age, a very favorable and strong impression. His first meeting with the latter is described in the extract following.

"I must here mention a circumstance that greatly increased my personal interest in Jacobi. While searching one day for books in the library of Hensler, a large carriage, not unlike a strong, military baggage-wagon, with four horses, stopped before the door. The cloth, with which the carriage-top was covered, being partially removed, I was surprised to see that the wagon was divided into two halves, and both partitions filled with beds. From one of these divisions appeared a tall, slender lady, no longer young, accompanied by a female attendant. They alighted, inquired if I were acquainted with the house, and desired me to announce the presence of the Princess Gallizin. The lady possessed a genteel, and even commanding, exterior; and her countenance wore a strong intellectual expression. From the other half of the carriage descended, at the same time, an aged gentleman with his servant. The dress as well as the general appearance of the former might have made him pass for a Catholic priest. It occurred to me at once, that these personages were none other than the philosophic Jacobi, and his celebrated friend."

At the end of two years, Steffens left Kiel, and spent considerable time in visiting various places of interest in northern Germany. He studied literature and philosophy at Jena, art at Dresden, and Nature in the great Thuringian forest, where, for weeks together, he wandered about on foot, sleeping at night in lone houses, and living less by bread, which he had hardly the means to purchase, than upon the spiritual food and contemplations excited by the scenes around him. At Jena, having already begun to distinguish himself by his writings on subjects connected with Natural

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Philosophy, he was introduced into that brilliant circle of authors, of whom Goethe formed the centre. He spent several days as a guest in the house of Goethe, at Weimar; and the noble form of the great poet, his powerful eye, the native dignity of his bearing, and the repose of his external manner, while a whole world of thoughts and emotions was revolving in the spirit within, made upon the young naturalist, as upon all others, a strong impression, and produced the conviction, that the genius of the poet was even surpassed by the greatness of the man.

At Jena, also, Steffens commenced a warm and lasting friendship with Schelling. The latter was then proclaiming, with youthful ardor and daring, his first great philosophical system, destined after many years to give place to a second, more in harmony with Christianity, and for the publication of which the republic of letters is now waiting with mingled hopes and fears. Steffens was present when Schelling gave his introductory lecture at the university, and thus describes the appearance of the youthful metaphysician.

"The large hall was thronged with professors and students. The youthfulness of Schelling's appearance, as he ascended the *Cathedra*, was very striking. He was, in fact, two years younger than myself, but he was already one of the most distinguished of the literary personages whose acquaintance I was anxious to make at Jena. There was an appearance of decision, and even of defiance about him. He had broad cheek bones, temples boldly projecting, and a high forehead. His face was strongly knit together, and the nose had a slight cast upwards; while in the large clear eyes lay the might of intellectual dominion. At the commencement of his discourse, he appeared a little embarrassed; but this lasted only a few moments. The subject was one which, at that time, filled his whole soul. He spoke of the idea of a Natural Philosophy — of the necessity of comprehending Nature in its unity — and of the light that would be thrown over all objects, if only observed from the central point of the unity of reason. He carried me completely away by his eloquence, and I hastened the next day to visit him. He received me not only in a friendly, but even joyful manner. I was the first professional naturalist who attached himself to him unconditionally and enthusiastically. Among this class of scholars, he had hitherto found only opponents; and, indeed, those who seemed not at all to comprehend the reasoning they attempted to refute."

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From the lecture-room of Schelling, Steffens proceeded to that of Fichte, where the following rather ludicrous scene presented itself.

"Fichte appeared to deliver his introductory lecture on the Destination of Man. This short, strong-built man, with sharp commanding features, made, I must confess, a most imposing appearance, as I then saw him for the first time. Even his language had a cutting sharpness. Well acquainted with the metaphysical incapacity of his hearers, he took the greatest possible pains fully to demonstrate his propositions; but there was an air of authoritativeness in his discourse, as if he would remove all doubts by mere word of command. 'Gentlemen,' said he, 'collect yourselves—go into yourselves—for we have here nothing to do with things without, but simply with the inner self.' Thus summoned, the auditors appeared really to go into themselves. Some, to facilitate the operation, changed their position, and stood up; some drew themselves together and cast their eyes upon the floor; all were evidently waiting under high excitement for what was to follow this preparatory summons. 'Gentlemen,' continued Fichte, 'think the wall' (*Denken sie die Wand*). This was a task to which the hearers were evidently all equal; they thought the wall. 'Have you thought the wall?' asked Fichte. 'Well then, gentlemen, think him who thought the wall.' It was curious to see the evident confusion and embarrassment that now arose. Many of his audience seemed to be utterly unable anywhere to find him who had thought the wall; and I perceived how it might well happen, that young men, who thus stumbled at the very threshold of speculation, might, in their further attempts, be brought into states of mind the most dangerous and injurious. Fichte's delivery was excellent, being marked throughout by clearness and precision. I confess that I was strongly moved by the subject, and that I never again heard so striking a lecture."

Steffens's description of Frederick Schlegel also, who, with his brother William, belonged to the Jena circle, is highly characteristic.

"At Jena, I became acquainted with Frederick Schlegel. He was in every respect a remarkable man,—of slender form, his features beautifully regular, and in the highest degree expressive. There was a quiet in his external appearance, that was almost phlegmatic. When sitting absorbed in a train of thought, he was accustomed to span his forehead with his thumb and forefinger, then draw both together slowly, so as to meet above the eyes, and with equal deliberation down over the

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beautiful, and delicately formed nose; and, as he advanced still further in the development of his thought, the united thumb and finger were moved from the point of the nose in a long straight line into the air. During this movement, he spoke slowly and cautiously, so as to bring me wellnigh to desperation. Striding backwards and forwards across the room, I often interrupted his chain of reasoning with critical objections; but his calmness could never be in the slightest degree ruffled. Tieck afterwards drew a caricature of us, in which Schlegel, in deep meditation, sat gazing into vacancy, his finger pointing before his nose into the air; while I, violently moving both hands and feet, turned my nose heavenward. I attached myself closely to Schlegel, and constantly forgot the difference in our philosophical views. He lived entirely in history. He was a perfect stranger to outward nature; and neither of the brothers had an eye even for the most beautiful scenery, just as Lessing and William von Humboldt lacked entirely an ear for music. There are few men whose personal appearance produced so strong an effect as that of Frederick Schlegel. Every subject that was presented to him, he handled in a manner significant and profound. His wit, also, was pointed and inexhaustible."

While on a visit to Dresden, Steffens met with the poet Tieck, of whom he has given the following interesting description.

"Tieck, like myself, was at that time twenty-eight years of age. He was truly beautiful in appearance, of a slender figure, and with eyes whose wonderful transparency and intellectual power even old age has not yet been able to subdue. All his movements were graceful and elegant, as was also his language. He hardly writes with more beauty than he speaks. The clearness with which he treats his subject, and the graceful and sonorous fulness of his periods alike irresistibly captivate us. In conversation, he takes up his theme with calm objectivity; handles it circumspectly, and yet with a reserved enthusiasm, that imparts to the representation a living warmth, for which it seems less indebted to the genius of the writer, than to the vital, spiritual importance of the subject itself. I have hardly ever seen him violently excited. He has himself told me, however, that, in the highest circles of society, when he has heard what was of the greatest poetical and spiritual importance spoken of with genteel contempt — when, particularly, the best things of Goethe have been pronounced ridiculous, — he had felt himself suddenly agitated with passion that made him pale. But he remained silent, when, I must confess, my mouth would have overflowed with im-

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proprieties. Many a time, I have seen his ablest and most determined enemies completely overpowered by the conquering might of his presence merely; and I may venture to affirm, that the influence of his personal appearance, easily accessible and amiably acquiescent as he was, must have been as great as that of his writings. The benefit I have derived from intercourse with him during the progress of a friendship of the most intimate character and of very long duration, even though we have differed on subjects of the highest moment, is greater than I can express. His flow of ideas, when speaking of the poets whom he revered, such as Goethe, Shakspeare, and even Holberg, was always most free and generous.

"Before the elasticity of his frame had been impaired by disease, his rich and pliant mimickry was as wonderful as his flexibility of language. Had he gone upon the stage, he would have made the greatest actor of his time; and even now, in his old age, when, lamed by the gout and confined to his chair, he recites a drama in that style for which he is celebrated throughout Europe, it seems to me, as if the perfection of scenic art, which at the theatres drags out a weak and doubtful existence, were fettered to the chair of this septuagenuary."

In 1804, Steffens was called as *Professor Ordinarius* to Halle, in the neighbourhood of which town he had previously married the accomplished daughter of the well known musician Reichardt. About the same time, Schleiermacher was appointed *Professor Extraordinarius* at the same university; and the two teachers formed an intimate acquaintance with each other, of which we give some account in the extracts following.

"At Halle, I was destined to meet a man, who made a new epoch in my life. It was Schleiermacher. As is well known, he was small of stature, and somewhat crooked, yet hardly so as to appear deformed. He was quick in his motions, and the features of his countenance were in the highest degree striking. There was a sharpness in his look, that might have been, perhaps, somewhat repelling. He appeared, in fact, to look quite through everybody. His face was rather long, the lips firmly closed, the chin prominent, the eye active and fiery, and its expression uniformly earnest, collected, and thoughtful. I saw him amid the manifold and ever-changing relations of life, absorbed in contemplation and elated with merriment, joyful and sad, composed and agitated; but on all occasions, his mind was controlled by an unchangeable spirit of repose, greater and more powerful than the passing excitement. At such times, a slight

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expression of irony played over his countenance, a heartfelt sympathy with others appeared to animate him, and an almost child-like sweetness of disposition shone through the quietude of his manner. His great mental composure had sharpened his bodily senses to a surprising degree. While engaged in animating conversation, nothing that occurred in his presence escaped him. He saw every thing and heard every thing, even the low conversation of others. Art has, in a most wonderful manner, immortalized his countenance. Rauch's bust of him is a masterpiece of art; and one who has lived so familiarly with him as I have done, is almost struck with dread at its resemblance to life. I felt as if he were before me, and about to open his firmly closed lips for grave discourse.

"We formed the closest mutual attachment. Walks, pleasure-parties, society were enjoyed by us together. He was interested in my views of physical science; and I learned through him Plato and the Grecian philosophy. My connexion with him, as with Goethe, Schelling, and Tieck, taught me, in a most convincing manner, that unlimited devotion to another demands, not prevents, perfect self-reliance. What was often called his Spinozism was the very thing that most attracted me, because it appeared not as a kind of fatalism, but rather as the living fountain of unconditional freedom. The deeper, more serious, and even more religious the view Schleiermacher took of life and science, so much the more decisively did he turn away from all representations of the one or the other, which appeared to him trivial and worthless."

The following occurrence excited some attention. Schleiermacher being university preacher, it became his duty, on the death of the qeeen dowager, to pronounce a funeral oration. It was the month of March; and a beautiful spring-day enticed him, together with Steffens and a young nobleman of their acquaintance, the day before the appointed solemnities, to make an excursion into the country. The night was spent at a small inn in the village of Ostrow, and in a way that did not appear very favorable to the preparation of the preacher's work for the morrow.

"It was past midnight, and on the following morning, between nine and ten o'clock, Schleiermacher was to ascend the pulpit, and pronounce an oration on a theme requiring to be treated with the greatest delicacy. After a few hours' sleep, we awoke, and commenced our walk of seven or eight miles homewards. Schleiermacher, a valiant pedestrian, strode on before us with a



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celerity that made it difficult to follow him. We observed that, notwithstanding the rapidity of his gait, he was absorbed in thought, and we forbore to disturb him. On reaching home, I had barely time to change my dress, and arrive at the church at the appointed hour of service. As I appeared among my collegiate friends, a general movement was visible. 'Ah,' they exclaimed, 'now you are come, we may hope to see Schleiermacher also.' The report of our excursion, and even of our spending the night at a beer-house, had already circulated about the city. Messengers had been sent early in the morning to Schleiermacher's lodgings, and, as scarcely an hour before service, when the bells began to ring, he had not yet returned, some began to think, and others even to hope, that he would not come at all. I was silent, and allowed them to talk.

"Schleiermacher ascended the pulpit. Every one who has ever heard him knows how imposing from the sacred desk was the calm earnestness of his exterior. His discourse showed that artistic arrangement of the parts, which was so characteristic of the orator. The subject was worthily treated, and his sentiments clearly stated. Notwithstanding the repose and apparent coldness of his delivery, he made a profound impression, and every one left the church convinced of the nothingness of all earthly relations, even the most important, when compared with his divine destination. My friends all listened to the oration with delight and wonder. The fact, that the person who had delivered a discourse so free and clear in its views, so well conceived and skilfully arranged, had spent the few preceding hours in playful diversion, was in the end considered as trivial and of no importance."

At Halle, Steffens met with much success as a teacher, until the unfortunate campaign of Jena broke up the university, and encompassed his fireside with the anxieties and dangers of war. In the autumn of 1806, as the harvest season drew near, reports of the approach of the French under Napoleon, and the expectation that a great battle was to be fought in the neighbourhood, filled all hearts with solicitude. The arrival, about this time, of the reserve corps of the Prussian army under the Duke of Wurtemburg, raised the excitement to such a pitch as entirely to destroy the quiet order of individual activity, and to fill the streets with men and women anxious to listen to the last reports, and to learn the general hopes or apprehensions. The Prussian officers were vainly confident of victory; but upon the mercenary soldiery little reliance was placed by the people at large.

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First came the news of the unfortunate engagement at Saalfeld, where Prince Louis was left on the battle-ground. The still nearer approach of the enemy was daily reported; until, on the fatal 14th of October, the tidings of a great battle suddenly broke upon the ears of the citizens. At first, it was tremblingly said, that the Prussians had experienced a disastrous defeat; but afterwards, all faces were lit up by the rumor of as great a victory. Steffens, anxious to learn the truth, ran hastily out to the Salzstein heights, situated midway between Halle and Merseburg. There, bending his ear to the ground, he distinctly heard a cannonade in the distance, which, growing more and more faint, and retiring in a north-westerly direction, convinced him that all was lost. This conviction, however, he hardly ventured to express even to his nearest friends, who were all encouraged, even up to the night of the 15th, by constant reports of a great triumph of the Prussians. But early on the morning of the 16th, he was awaked by the reports of musketry, and with his wife, accompanied by Schleiermacher and his sister, he hastened to the walls of the town, where they obtained a distinct view of the attack and defence, and the occasional skirmishes of cavalry on the adjacent plain. The progress of the French soon compelled the party on the walls to retire to their homes. As the house of Steffens stood in an exposed part of the town, he proceeded with his wife and child to that of Schleiermacher. On their way, they were obliged to cross a street crammed with retreating ammunition wagons and cannon, together with flying soldiers; the guns of the French were heard in the adjoining streets, and a portion of the advanced guard of Bernadotte, called the Brimstone Band, hurried by without seeing them. The bullets whizzed past the ears of the father, holding his infant child in his arms. But they all escaped, they knew not how, to the house of their friend. There, however, they were not suffered to remain long undisturbed. The French soldiers scattered about the town in quest of plunder, entered a house directly opposite Schleiermacher's, and robbed it of every thing which they could lay hands upon. At length, a loud knocking was heard at their own door; but the inmates remained still. The robbers, however, saying that they would be satisfied with a glass of wine or two handed through the window, those within indiscreetly concluded to comply with their re-

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quest, and Steffens opened the window. No sooner was this done, than one of the horsemen, levelling a pistol at the head of the Professor, threatened to blow his brains out, if the door was not instantly opened. Having gained admission, the robbers seized upon the watch of Steffens — purse as usual he had none, — relieved Schleiermacher of the money about his person, rummaged a desk that happened to be lying open, and, catching up some pieces of linen, hastened out of doors.

In the afternoon, Steffens ventured to go out. No Frenchmen were anywhere to be seen. Dead bodies of Prussian soldiers lay scattered about the streets ; a few single persons here and there appeared ; neighbours were seen timidly stealing about from each other's houses ; and small groups were assembled at a corner or two, narrating with suppressed voices the excesses of the plundering troops. At night, the company, which had passed the day at Schleiermacher's, assembled at the residence of a Professor Hofbauer. Fears were entertained, that the town would be exposed during the night to the ravages of the victors ; and the gentlemen had prepared themselves to defend the women and children with their lives. But there is often a humorous side even to despair. It was known that Hofbauer's cellar was well stored with the choicest Rhine wines, and that he was usually very sparing in the use of them. Hinting to him, therefore, that his cellar would undoubtedly be exposed to the search of the enemy, and intimating further, that such wine as his ought never to tickle the throats of Frenchmen, they succeeded in causing a goodly number of dusty bottles to be ordered up, and spent the night over them in sprightly discourse, till at the dawn of morning they one after another fell asleep in their chairs.

From these illustrations of the distress which war brings into the bosom of literary and domestic life, we turn again to the peaceful pursuits of letters, and give a short description of the famous founder of the science of Phrenology.

" Gall, the celebrated craniologist, having excited much attention by his lectures in Berlin, and gained a large number both of followers and opponents, came about this time to honor the town of Halle with his presence. Plaster heads, with Gall's figures upon them, belonged to the household furniture of those days ; they were found even upon the toilets of ladies. Instead of

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reading the works of an author, or listening to the compositions of a musician, many persons preferred, whenever they could make the personal acquaintance of a writer or artist, to examine his pericranium; and if they found no bump for the talent attributed to him, they condemned his productions *a priori*. The mother felt of the heads of her children, full of anxiety lest she should find indications of a thief or a murderer. However, the motherly hand generally slipped lightly over these ill-omened elevations, without perceiving them. But if the partial fingers chanced to pass over the organ of some future talent, they felt at once the little mountain; and the fond mother congratulated herself, that she had given birth to a philosopher, an artist, a legislator, or a hero. At the present day, however, one may look long before finding one of Gall's plaster heads, unless, indeed, he should choose to search for them among the dusty relics of the garret. Phrenologists are now rarely to be met with in Germany.

"Gall belonged to that class of persons who think, by means of a few imperfect observations of nature and various combinations of these, to arrive at important discoveries in science. I have known few men who allowed themselves to be so little disturbed in their opinions by any doubts of their correctness. His delivery was expressive of entire confidence in himself; and he pronounced his lectures with all the ease and freedom of conversation.

"One scene I must here describe, which surprised and amused me. Goethe had come over from Weimar to hear Gall, and sat with his imposing mien in the midst of his hearers. Even his still attentiveness had something commanding in it; and the repose of his unchanged features did not entirely conceal the rising interest he felt in the development of the lecture. On his right, sat the great philologist, Wolf; and on his left, my father-in-law, Reichardt. Gall was occupied in explaining the organs of the different faculties; and, in his easy way of lecturing, did not scruple to look around upon his hearers' heads for the confirmation of his doctrines. At first, he spoke of those skulls that present no particular elevations, but are developed in full and beautiful harmony; and then remarked, that whoever noticed the head of the great poet who honored his lecture by his presence, would see a splendid illustration of the kind of skull of which he had been speaking. The whole audience at once turned their eyes upon Goethe. He remained calm, a scarcely perceptible expression of dissatisfaction was immediately lost in a suppressed smile of irony, and the perfect and imposing repose of his countenance continued undisturbed. Gall next came to the

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organ of tune. Reichardt had a remarkable development of it, and as his head was completely bald, the lecturer pointed to it as to a skull expressly prepared for the occasion. At last, came Wolf's turn, who rejoiced in an equally striking development of the organ of language. Wolf, however, wore glasses, that concealed this organ. As Gall proceeded to speak of the faculty of language, Wolf could well suppose, that the lecturer would make use of his head as he had of Goethe's and Reichardt's. And it was most amusing to see how the great philologist lent his aid to carry into execution the design of the craniologist. With the greatest composure, he took off his glasses, looked round in all directions, and at the same moment his pate was converted in the hands of the lecturer into a craniological specimen, which, more by the operator than by himself, was put into motion, and shown to all the spectators. Although there was something comical in the whole scene, Gall accomplished his object. The striking confirmation of his doctrines by heads so distinguished produced a great effect upon all his hearers."

The space already occupied compels us here reluctantly to take leave of our author. His work is, indeed, far too voluminous, and sometimes reminds us of a saying by A. W. Schlegel, that even the greatest men, in their old age, love to take themselves up as children upon the arm, fondly stroke their dear heads, and amuse themselves with baby talk. But the style is pleasing, the topics are attractive even to the general reader, and the numerous reflections of the author, though now and then a little weakened in their effect by the mistiness of thought and sentimentality of feeling so common in the land of his adoption, are full of poetical, religious, or philosophical interest. The portion of the work to be hereafter published will give an account of the author's literary and scientific productions, as well as of the important part taken by him in the Prussian war of independence against Napoleon, "in which," says Alison, in his "History of Europe during the French Revolution," "Steffens appeared with a warlike air, and surrounded by a numerous band of followers." To these later volumes, should their interest answer our expectations, we may possibly invite the attention of our readers in a subsequent number of this Journal.

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ART. VIII. — *The Despatches of* HERNANDO CORTÉS, *the Conqueror of Mexico, addressed to the Emperor Charles the Fifth, written during the Conquest, and containing a Narrative of its Events.* Now first translated into English from the original Spanish, with an Introduction and Notes, by GEORGE FOLSOM, one of the Secretaries of the New York Historical Society, &c. &c. New York and London: Wiley and Putnam. 12mo. pp. 431. 1843.

THE constant succession of internal dissensions and military revolutions in those extensive regions of our continent, that formerly acknowledged allegiance to the king of Spain and the Indies, has almost extinguished the sympathetic feelings which, twenty years ago, led the people of the United States, with entire unanimity, to demand the admission of the Southern Republics of America into the great family of nations. But not to refer to occurrences in our immediate vicinity, that indicate political changes more portentous than any that have taken place since the first European colonization, we need scarcely remind our readers, all of whom are of course familiar with the unpretending narratives of Stephens, that though the philanthropist may have been disappointed in the anticipation, in which he had fondly indulged, of seeing well-regulated liberty established on the downfall of foreign despotism, other sources of interest, of a wholly different character, have recently been created in those countries, which were, before Humboldt's scientific travels, forbidden regions to all beyond the sphere of Spanish influence. Discoveries not of gold or silver mines, but of immense cities, once the habitations of man and the abodes of luxury and wealth, have been made, which have rendered the central regions of the American continent prolific fields for the researches of the historian and antiquary.

At such a moment, the inquiry naturally arises, to what people are we to attribute the monuments, that still exist in Guatemala and Yucatan, and which evince so much architectural skill that they may be compared with some of the best works of Greek and Roman art; while, in their colossal character and style of execution, they compete with the gigantic productions of Egypt. It is not surprising, when

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we consider the ignorance and abject condition of the natives at the present time, after a vassalage of three centuries, that doubts should be entertained whether their ancestors were capable of accomplishing what the ruins of Palenque and Uxmal attest. But though we have no detailed accounts of the particular edifices, the ruins of which are now fully delineated by the pencil of Catherwood, the descriptions of the works of art that did exist in the sixteenth century, in the neighbouring regions, written by the very individuals who undoubtedly saw those palaces and temples in their days of splendor, will readily solve any problems as to the origin of the recently discovered structures in Yucatan. What the people of Tlascala and Temixtitan could accomplish, their neighbours and contemporaries might assuredly effect; and no one, we believe, who has studied the narratives of the conquest of Mexico, can have any difficulty in attributing, with Stephens, the erection of the monuments recently brought to notice to the same people who built the cities, of whose condition, in the sixteenth century, we possess from contemporary writers, including the great Captain himself, the most ample accounts.

But it is not as mere commentaries for the explanation of collateral matters, or as a guide to the antiquary in the investigation of works of art, that the annals of the conquest of New Spain are to be regarded. Whatever may be their value in these respects, whatever interest they may afford to the contemplative student, — these considerations sink into insignificance, when our attention is directed to the boldness of the undertaking of Cortés, the small number of the Spanish forces contrasted with the resources of the mighty empire against which they were arrayed, and the statesmanship not less than the military skill exhibited by the commander.

The work now before us, for the first English translation of which we are indebted to Mr. Folsom, a gentleman whose attention has been long directed to American history, and who, as a member of the New York Historical Society, and the editor of the last volume of its collections, has most effectually contributed to the present elevated standing of that useful association, contains all the despatches, that are now extant, of Hernando Cortés, the Conqueror of Mexico. They are addressed directly to the Emperor Charles the Fifth, and present full details of all the occurrences,

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through which, as Cortés at a subsequent period of his life had occasion to tell him, he had gained more provinces than he had inherited towns from his ancestors.

As the memoirs of a hero written by himself, the work before us possesses an interest of the same character with that of the Anabasis of Xenophon and the Commentaries of Cæsar; and though the Spanish leader may not claim the high literary rank which the Greek and Roman generals have attained as classical historians, we are not to conclude that Cortés has any occasion, even as an author, to deprecate criticism. The despatches possess the attractions of romance with the certainty of truth. Compared with his great rival in the conquest of American kingdoms, Cortés enjoyed advantages of which Pizarro was wholly destitute; and his origin, like that of the great hero of the nineteenth century, whom in many particulars he resembled, whilst it commanded for him the privilege of liberal instruction, was also such as required of him, if he aimed either at honors or wealth, to become the architect of his own fortunes.

In 1517, the first regular expedition that effected a landing on the Mexican coast was fitted out from Cuba. It was placed under the command of Cordova; and, as Bernal Diaz, who also accompanied Grijalva and Cortés, was with Cordova, and has left an account of all these enterprises, we possess regular details of the earliest attempts at colonization on the Spanish main.

The reception which the first adventurers met with exhibited a power of resistance, on the part of the natives, far beyond what was afterwards shown against Cortés. On landing on the coast of Yucatan, Cordova was surprised to find numerous warriors, who carried, besides their bows and arrows, lances and shields; and, though they were driven off by means of the musketry, the Spaniards met with a loss of fifteen men. At Potonchan, where they subsequently attempted to land, they were defeated, with the loss of fifty-seven men, — an event, however, which was in some degree explained by the fact, that the Indians were led by a Spaniard, who had been wrecked on the coast several years before, and had been made a cacique. It was in this voyage, that the Spaniards first saw those buildings of stone and lime, surrounded by fields of maize, which distinguished the habitations of the natives of the continent from those of



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the dwellers on the islands, and indicated the different character of the population.

Grijalva followed in the track of Cordova, routed the Indians in a pitched battle at the place where the latter was defeated, pursued his way along the coast, and, after touching at Tabasco, Guaxaca, and St. Juan de Ullua, proceeded as far as the river Panuco, where Tampico is now situated. The Spaniards were astonished at the high cultivation of the fields, and the beauty of the Indian edifices, and they gave such accounts to their countrymen as were calculated to stimulate them to new adventures. The Spanish expeditions of those times resembled private adventures far more than public undertakings. Each captain found provisions and sailors for himself, while the arms and some trifling necessaries were furnished by the government. So far was a permanent colonization from being their first object, that the instructions, in general, were to obtain as much gold as could be had in the least possible time.

These two expeditions had been fitted out under Velasquez, the governor of Cuba. This officer proposed to appropriate to himself both the glory and the profit to be derived from the discoveries effected under his auspices, while he avoided undergoing any of the hardships or dangers to which a personal participation in the enterprises might have subjected him. Though delighted with the result of Grijalva's voyage, of which he took care to obtain every advantage by the accounts which he transmitted to Castile, and in particular to his patron, the Bishop of Burgos, he became jealous of his lieutenant, and resolved to employ, for the expedition that he was about to fit out, a new commander. By the influence of his secretary and another officer, who are supposed to have stipulated for some advantages to themselves, Hernando Cortés was selected.

Of the previous history of this celebrated personage, we shall give Mr. Folsom's account: —

"Cortés was born at Medellin, a small town in the southwest of Spain, in the year 1485, and was, consequently, at the time of his appointment, thirty-four years of age, nearly fifteen of which he had passed in the New World. According to Gomara, his parents were persons of respectable and even noble connexions in Old Spain, and were generally esteemed for their piety and virtue, although reduced in fortune. His father, whose

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name was Martin Cortés de Monroy, had served when young in the wars of the peninsula, as lieutenant of a company of horse; and such was his standing at the time of his son's first success in Mexico, that his personal influence with the court was usefully employed in his behalf to counteract the malevolence of his enemies. Cortés, in his childhood, was of feeble health, and often seemed at the point of death. He early adopted, says Gomara, who was afterwards his chaplain, the glorious apostle of Jesus Christ, St. Peter, as his patron saint, whose annual festival he was always careful to observe. At fourteen years of age, he was sent by his parents to study at Salamanca, where he resided with Francisco Nuñez de Valera, who had married his father's sister. Here he commenced a regular course of academic education, it being the intention of his parents that he should not leave the university until prepared to graduate as bachelor of laws; as they designed him, says Gomara, on account of his talents and universal genius, for that rich and honorable profession. But Cortés was destined, in this instance, to disappoint their hopes. Weary of study, and imbibing a taste for more active pursuits, he returned to his father's house after an absence of two years, much to the grief of his friends. At that period, war was the most honorable pursuit in which a man could engage; and the adventurous life to which it led had peculiar charms for a youth of the bold and impetuous temper of young Cortés. The principal theatre of martial exploits in Europe at that time was Naples, where the great captain, Gonsalvo de Cordova, was conducting the Spanish arms; and Cortés only hesitated between joining his countrymen in that quarter, and embarking for the New World in the retinue of his kinsman, Nicholas de Ovando, who had been just appointed to succeed Columbus in the government of the Indies. He finally decided upon the latter; but, accidentally falling from a wall on which he stood, in the act of serenading or otherwise paying his *devoirs* to some fair one, he was laid up by the injury he received until after the departure of Ovando. He then turned his attention again to Italy; but, after wasting a year in fruitless endeavours to place himself in the road to military fame, he once more changed his determination, and resolved to embark for the New World.

"Receiving a small outfit from his parents, Cortés took passage at St. Lucar, in the year 1504, in a merchant ship bound to the island of St. Domingo, where he safely arrived, and was kindly received by his kinsman Ovando, the governor. After some service in the wars against the natives of the island, he finally settled in a new town, called Azua, being appointed public no-

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tary, and receiving from the governor lands and Indians for his support. Here he continued to reside for five or six years, employing himself in the improvement of his plantation; but, when an expedition was fitted out for the conquest of the island of Cuba, in 1511, under Diego Velasquez, Cortés was induced to embark in it in the capacity of secretary to the king's treasurer, whose duty it was to keep an account of the fifths and other revenues of the crown. On the reduction of the island, which was effected with scarcely any opposition on the part of the natives, he settled at St. Jago de Baraçoa, the first town founded by the Spanish colonists in Cuba, where he again devoted himself to the cultivation of the soil, and had allotted to him the distribution of the Indians of a certain district among the colonists, in conjunction with Juan Juarez, a brother-in-law of the governor, Velasquez."

"When Don Diego Columbus, son of the Admiral, succeeded Ovando in the government of the Indies, in the year 1509, he was accompanied on his voyage to St. Domingo by his Vice-Queen, Doña Maria de Toledo, niece of the Duke of Alva, whom he had then recently married. They were attended by a retinue of hidalgos, with their families, including many young ladies of rank. Amongst these were the mother and three or four sisters of Juan Juarez, (already mentioned as associated with Cortés in the distribution of the Indians,) who came from Granada, in Old Spain. Diego Velasquez married one of these sisters, all of whom, after the conquest of Cuba, had removed to this island, of which he became the governor. Being remarkable for their beauty, these young Spanish ladies were much admired by their countrymen on the island; one of them, named Catalina, (or Catherine,) attracted the regard of Cortés, who finally married her; and, on account of the excellence of her character, he was accustomed to say, that he prized her as highly as if she had been the daughter of a duke.* Prior to this marriage, a serious difficulty arose between Cortés and the governor. A number of the colonists had resolved to prefer some complaints against the latter to the viceroy, of which Cortés was chosen to be the bearer; and, when about embarking in a canoe for the island of St. Domingo, on this mission, he was seized and thrown into prison by the orders of the governor. He was, however, subsequently pardoned by Velasquez, who even stood god-father to his daughter after his marriage."—*Introd.* pp. 9–12.

* "Doña Catalina remained at St. Jago until after the Conquest, when she went to Mexico, and was received by Cortés with great distinction. She died at Mexico, two or three years after."

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Velasquez soon became dissatisfied with his selection, though it had been sanctioned by a formal agreement before a notary, on the 23d of October, 1518, and a license had been obtained from the Royal Audience of Hispaniola, recognizing Cortés as the commander, and as jointly concerned with Velasquez in the outfit of the expedition. Cortés, however, being informed of the views of the governor, set sail from St. Jago de Cuba on the 18th of November, with three hundred Spaniards, in six vessels, and went to Trinidad, where he obtained another ship, and two hundred more men were enlisted. Thence he proceeded to the Havannah, where orders were received to arrest him; but we learn from Bernal Diaz, that he had already gained such power over the minds of men, that Pedro Barba, the lieutenant of Velasquez at that place, wrote, in answer to the governor, that if he attempted to obey the order, he was sure the town would be sacked, and Cortés would carry off all the inhabitants. Cortés himself, as if ignorant of what had occurred, wrote a letter, the day before he set sail, to Velasquez, vowing eternal friendship. He took his final departure with his fleet from Cuba, on the 18th of February, 1519. And, that religious enthusiasm might not be wanting, as an auxiliary to that avarice which was the impelling motive with most of his followers to embark in the expedition, Cortés carried out with him a standard with the motto, "*Amici, Crucem sequamur, et in hoc signo vincemus.*"

The first land at which the expedition touched was the island of Cozumel, where the troops were mustered and were found to amount to five hundred and eight soldiers, and one hundred and nine mariners. There were thirteen musketeers, ten brass field-pieces, and thirty-two cross-bows. And this was the army that was to subdue a mighty empire!

The attention of the Spaniards, who at once commenced propagandism by destroying the idols, and erecting crosses and images of the Virgin Mary and of the saints, was attracted to the principal temple, which was built of stone, and contained a remarkable idol, so constructed that the priests entered it, and answered audibly the prayers and petitions addressed to it by the natives. But a more remarkable circumstance was the worship of a cross of stone, which the people adored as the god of rain, the origin of which cannot, it is said, be traced to the existence of Christianity among

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them at any former period. The remains of this temple were still to be seen, at the time of Mr. Stephens's late visit to Yucatan.

From Cozumel, the expedition proceeded to the river Tabasco, where Grijalva had been kindly received. Cortés, however, being refused admission to the city, which was situated a short distance up the river, had here his first engagement with the natives. In spite of the terror which the strange noise of the ordnance occasioned, they fought with desperation; but being pressed both on the side of the land and the water, they were driven out of the town. Cortés took up his quarters in the temple, "which afforded space enough to contain all the Spaniards, as it had a court and several large and elegant halls." After a further trial of Spanish prowess, the Indians, who began to regard their invaders as a superior race, begged for peace, and offered presents of gold wrought into various forms, resembling the human face, birds, and beasts. They also gave the invaders twenty female slaves, one of whom was Doña Marina, whom Father Clavigero calls the first Christian of the Mexican Empire. She was certainly the most celebrated woman in the story of the Conquest, and to her, scarcely less than to Cortés himself, is the success of the Spaniards attributed by the early annalists. She was a girl of great personal attractions and intelligence, the daughter of a cacique of Guasacualco, who had been sold into slavery. She retained a knowledge of her native tongue, which was that of Mexico, while she had acquired the Maya language, which was spoken at Tabasco. This latter was also known to Aguilar, a Spaniard, who was shipwrecked with the one to whom we have referred, as the leader of the Indians in the battle against Cordova; and thus early were full means of communication with the inhabitants, in all the regions visited by Cortés, obtained.

The female slaves were all baptized before they were allotted to the several leaders; and the same course was adopted, on like occasions, whenever similar presents were made by the Indian caciques, who often gave to the invaders their daughters and other dear relatives. Doña Marina, we are told, fell to the share of Puerto Carrero, but Cortés afterwards took her to himself, and had by her the son, who accompanied him to Algiers. She subsequently became the wife of a Spanish cavalier.

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"In the expedition to Higunas, (Honduras,)" says Bernal Diaz, "when Cortés passed through Guasacualco, he summoned all the neighbouring chiefs to meet him; amongst others came the mother and half-brother of this lady. She had told me before, that she was of that province, and in truth she much resembled her mother, who immediately recognized her. Both the old lady and her son were terrified, thinking that they were sent for to be put to death; but Doña Marina dried their tears, saying that she forgave them; that, at the time they sent her from them, they were ignorant of what they did; and that she thanked God who had taken her from the worship of idols to the true Church, and was happier in having a son by her lord and master Cortés, and in being married to a cavalier like her husband, than if she had been sovereign of all the provinces of New Spain."

This statement does not seem to indicate, whatever may have been her other virtues, that very refined notions about chastity were entertained by the Mexican Saint. We ought not, however, to be severe in scrutinizing the actions of the Indian princess, who naturally looked to those by whom she was initiated in the Christian faith, for the rules of morality, by which to regulate her conduct; especially, as we learn from the very clever work on "Life in Mexico," as it now is, that indulgence is still granted, even among the descendants of the conquerors, to females of the most exalted rank, whose womanly character is stained by the same transgressions, by which the Christian life of Doña Marina was unwittingly marked.

"We went lately," says Madame Calderon, "to a breakfast, at which was a young and beautiful Countess, lately married, and of very low birth. She looked very splendid, with all the —— diamonds, and a dress of rose-colored satin. After breakfast, we adjourned to another room, where I admired the beauty of a little child who was playing about on the floor; when this lady said, 'Yes, she is very pretty — very like my little girl, who is just the same age.' I was rather surprised, but concluded, she had been a widow, and made the inquiry of an old French lady, who was sitting near me. 'Oh no!' said she, 'she was never married before; she alludes to the children she had before the Count became acquainted with her!' And yet, the Senora de ——, the strictest woman in Mexico, was loading her with attention and caresses."

Cortés proceeded from Tabasco by sea, along the coast,

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to St. Juan de Ullua, and, while in that neighbourhood, and about to select the site for a settlement, he received a delegation from Cempoal, a city containing sixty thousand inhabitants. The lord of this place had heard of the victory at Tabasco, and he now sent to ask the invaders to visit him, and to solicit an alliance, such as would enable him to throw off the yoke of the Mexicans. This invitation, so much in accordance with his own views, was gladly accepted by Cortés, and the troops marched into the city; but not being without apprehensions of treachery, they proceeded through the streets in the order of battle. They beheld with astonishment the beauty and extent of the city, far surpassing all that they had before seen in the New World.

"In the market-place of Cempoal, stood an immense building of stone and lime, with loop-holes and towers, the walls whitened with plaster, that glittered like silver as the sun shone upon them. At first, the Spaniards imagined these walls to be composed of solid silver, but this error was soon corrected. Within this palace was a long suite of apartments, in which the Spaniards fixed their quarters, planting the cannon at the doors for security, and keeping themselves in readiness in case of treachery. Their fears fortunately proved groundless; the cacique directed a splendid supper to be prepared for them, and convenient bedding. The next morning, the cacique waited upon Cortés, and made him many rare and valuable presents; amongst these were cotton garments in the Egyptian fashion, with a knot on the shoulder, and jewels of gold valued at two thousand ducats. This visit was returned by Cortés, on the following day, in a becoming manner. In his conversation, the cacique complained loudly of the oppression and tyranny of Montezuma, the Mexican ruler, who had but lately usurped the government of Cempoal; he also professed his willingness to join an alliance against him. At the same time, he extolled the riches and magnificence of the city of Mexico, planted in the midst of a great lake, and the splendor of the court of Montezuma." — p. 29.

The town of Vera Cruz, the first colony on the continent of North America, was first established about twelve miles from Cempoal, in the country of the Totonacs, a people who, like the Cempoallans, were anxious to throw off the Mexican yoke. Cortés took this occasion to dissolve all connexion with Velasquez, by resigning his command to the municipal authorities of Vera Cruz, whom, according to Go-

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mara, he named himself, or who, as Bernal Diaz states, were elected in the manner customary in Spain. He was, at once, again invested with the authority of Captain-General and chief magistrate, though these arrangements were not made without difficulties being interposed by the partisans of Velasquez, who demanded that the expedition should return to Cuba.

While Cortés was engaged in laying out the new town, a deputation arrived from Montezuma, consisting of two of his nephews and a numerous retinue of nobles, bringing magnificent presents; and he determined to proceed at once to Mexico. Before setting out for the capital, he addressed to the Emperor, Charles the Fifth, his first despatch, of which no copy is extant; but from a reference to it in the second, we learn that it bore date on the 16th of July, 1519. Dr. Robertson tells us, in the preface to his "History of America," that having searched for it without success in Spain, it occurred to him that, as the Emperor was about setting out for Germany when the messengers from Cortés arrived in Europe, it might be in the imperial library at Vienna. Accordingly, through the British ambassador, he obtained an order that a copy should be sent to him. It was ascertained, however, that the document was not there; but an authentic copy of the letter of the magistrates of Vera Cruz, of which Bernal Diaz speaks, and which was transmitted to Charles the Fifth at the same time, was forwarded to Robertson, and is used in his history.

What is wanting in the direct narrative of Cortés is supplied by the contemporary authors, to whom we have already alluded. Gomara was the chaplain of the expedition, and seems to have been the authority on whom Robertson mainly relied. He is, also, very favorably noticed by Mr. Folsom, who mentions that there is an imperfect translation of his work, under the title of "The Pleasant Historie of the Conquest of the West India," &c. Bernal Diaz, who, though in a subordinate station, was an actor in the events which he narrates, wrote his work in 1572, in the city of Guatemala. He was, at the time, one of five survivors of the expedition, all of whom, after moralizing on the vanity of fame, he tells us, were "very old, and bowed down with infirmities, and very poor and with a heavy charge of sons to provide for, and of daughters to marry off, and grandchildren



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to maintain, and little wherewith to do it withal." His object avowedly was to repair the injustice of other historians, all of whom, he remarks, say "Cortés discovered," "Cortés conquered," but make no mention of those through whom these results were effected. The book, though immethodical, is written with great apparent sincerity, and is replete with interest.

Cortés sent to the Emperor, with his first despatch, all the gold and other valuable commodities, which he had been enabled to collect, having induced the soldiers to relinquish their share for the purpose. The enumeration of the articles, most of which were presents from Montezuma, is even now astonishing from the variety, elegance, and richness of the workmanship ascribed to them. The existence of books, the characters of which resembled Egyptian hieroglyphics, of which characters specimens, in columns of porphyry and basalt, are still to be seen in the Mexican States, attracted the attention of the Spanish *savans*. Four Mexican nobles and two native women were also sent to Europe.

But though the messengers, accompanied by the father of Cortés, who seems to have been a man of sufficient consideration to afford efficient aid to his son, were favorably received by the Emperor, the affairs of America were not yet deemed of so much importance as to command the attention of a sovereign, who was engrossed by the more dazzling pursuits of European ambition, or to induce him personally to arbitrate between Velasquez and Cortés. In the absence of Charles, Fonseca, Bishop of Burgos, the patron of Velasquez, and who for thirty years directed the affairs of Spanish America, was too powerful an enemy for Cortés to resist. It was not, indeed, till after the occurrence of the more brilliant events recorded in the two ensuing despatches that, by the influence of the Cardinal, afterwards Pope Adrian the Sixth, a reference was made to a special commission, composed of the grand Chancellor and other eminent persons, which resulted in a triumphant verdict in favor of Cortés.

"It was decided, that Velasquez had no other claim than for the money he had expended in the outfit of the expedition; but that by revoking the commission he had granted to Cortés, he had left him free to act as he should judge best for the royal service with the ships and men, which for the most part he had raised and equipped at his own expense and that of his friends.

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This decision was fully approved by the Emperor, and communicated to Cortés in a royal despatch, which contained likewise information of his appointment as Governor and Captain-General of New Spain, and the most flattering encomiums on his conduct. Other despatches were sent at the same time to Diego Velasquez and Francisco de Garay, censuring their past proceedings, and commanding them to desist from any future interference with the affairs of New Spain. These despatches were all dated the 22d of October, 1522. A more signal triumph could not have been achieved, which, while it gave additional lustre to the victorious career of Cortés, carried dismay to the minds of his great opponents, Fonseca and Velasquez, both of whom died not long after, in comparative disgrace."—pp. 34, 35.

The second despatch of Cortés is dated at Segura de la Frontera, on the 30th of October, 1520, and gives an account of his departure from Cempoal with fifteen horse and three hundred infantry, one hundred and fifty men and two horses being left at Vera Cruz. Cortés further says, that the whole province of Cempoal, with fifty thousand warriors and fifty towns and fortresses, was firm in its allegiance to his Majesty, the Cempoallans begging him to protect them against the mighty lord, who took their sons to be slain and offered as sacrifices to idols.

After describing how he had punished, as the necessity of the case and the service of his Majesty required, the delinquents who had been detected in the attempt to seize a brigantine, in order to send information to Velasquez that he had despatched a ship to the Emperor, Cortés gives, in a few words, an account of a measure which left to the Spaniards no alternative but to conquer or die.

"Besides those who, from having been the servants and friends of Velasquez, wished to leave the country, there were others that entered into the same views, on beholding the great number and power of the people of the country, while the Spaniards were so few and inconsiderable. Believing, therefore, that if I left the ships there (at Vera Cruz) they would mutiny, and all be induced to depart, leaving me almost alone, and by this means the great service rendered to God and your Majesty be made of no avail; I determined, under the pretext that the ships were not seaworthy, to cause them to be stranded on the coast; thus taking away all hope of leaving the country, I pursued my route with greater feelings of security, having no fears that after our

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backs were turned, the people I had left at Vera Cruz would desert me." — p. 41.

Cortés also shows how he contrived, at this time, to rid himself of the expedition under Francisco de Garay, the Governor of Jamaica, who had manifested some disposition to interfere with his exclusive colonization of the coast.

The Spaniards were well received in the several provinces and towns through which they passed, which were very populous and all subject to Montezuma, or, as the name is invariably written by Cortés, Muteczuma. At Yztecmastitán, according to the despatch, the residence of the cacique was surrounded by a larger fortress than was to be found in half of Spain, and which was well defended by walls, barbacans, and moats, while his dominions were covered with inhabitants for three or four leagues without interruption. In this place Cortés remained three days, in order to await the return of messengers, Cempoallans, whom he had sent to the Tlascalans, a people, who, though their country was on all sides surrounded by the Mexicans, had never been conquered by them.

On reaching the frontiers of Tlascala, whither he went before the return of his embassy, Cortés met with a wall which was six miles long, of dry stone, nine feet high and twenty feet thick, surmounted throughout its whole extent by a breastwork a foot and a half thick. Soon after entering this territory, which possessed a population of 500,000, and had, as we have said, always successfully resisted the great Mexican empire, Cortés was engaged in several conflicts, in one of which, he says, that he was opposed to 149,000 men, who in four hours were so signally defeated as no longer to be able to annoy the Spanish camp. In none of these engagements did the invaders lose a single man, though they destroyed numerous towns and many thousand houses, besides killing and making prisoners large numbers of the natives. On one occasion, Cortés attacked, with one hundred foot and his small body of cavalry, a place which contained, according to his statement, 20,000 houses. The subjection of the province was, of course, soon effected, and the Captain-general of the Tlascalans came to the conqueror, and solicited, in the name of the caciques, that the troops of the state might be admitted into the service of his Majesty. This was a most important alliance for Cortés, and was probably

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essential to the success of his movement against Montezuma, in which expedition the Tlascalans accompanied him with all their forces, while they remained faithful to him on that reverse of fortune, which compelled him temporarily to abandon the city.

Of Tlascala a description is given in the Despatches, which, with the account of Mexico, will afford no bad means of judging of the existing civilization of the countries of New Spain, at the time of the Conquest.

"I remained," says Cortés, "in my quarters and camp for six or seven days, as I dared not trust them; but when they invited me to visit a large city* in which resided all the principal men of the province, who came to urge me to make them a visit, saying that I should be better received and more abundantly supplied with what was necessary there than in camp; and when they expressed their mortification that I should be so poorly lodged, considering me as a friend, and themselves as well as myself subjects of your Highness: in compliance with their request I went to the city, which was six leagues from my quarters and camp. This city is so extensive and so well worthy of admiration, that although I omit much that I could say of it, I feel assured that the little I shall say will be scarcely credited, since it is larger than Granada, and much stronger, and contains as many fine houses and a much larger population than that city did at the time of its capture; and it is much better supplied with the products of the earth, such as corn, and with fowls and game, fish from the rivers, various kinds of vegetables, and other excellent articles of food. There is in this city a market, in which every day thirty thousand people are engaged in buying and selling, beside many other merchants who are scattered about the city. The market contains a great variety of articles both of food and clothing, and all kinds of shoes for the feet; jewels of gold and silver, and precious stones, and ornaments of feathers, all as well arranged as they can possibly be found in any public squares or markets in the world. There is much earthenware of every style and a good quality, equal to the best of Spanish manufacture. Wood, coal, edible and medicinal plants, are sold in great quantities. There are houses where they wash and shave the head as barbers, and also for baths. Finally, there is found among them a well-regulated police; the people are rational and well disposed, and altogether greatly superior to the most civilized African nation. The country

* It still bears the name of Tlascala, though much decayed.

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abounds in level and beautiful valleys, all tilled and sown, without any part lying unimproved. In its constitution of government that has existed until the present time, it rêsembles the states of Venice, Genoa, and Pisa ; since the supreme authority is not reposed in one person. There are many nobles, all of whom reside in the city ; the common people are laborers, and the vassals of the nobility, but each one possesses land of his own, some more than others. In war, all unite and have a voice in its management and direction. It may be supposed, that they have tribunals of justice for the punishment of the guilty ; since when one of the natives of the province stole some gold of a Spaniard, and I mentioned the circumstance to Magiscacin, the most powerful of the nobility, they made search for the thief, and traced him to a city in the neighbourhood called Churultecal (Cholula), from whence they brought him prisoner, and delivered him to me with the gold, saying that I must have him punished. I acknowledged in suitable terms the pains they had taken in the matter, but remarked to them, that since the prisoner was in their country, they should punish him according to their custom, and that I chose not to interfere with the punishment of their people while I remained among them. They thanked me, and taking the man, carried him to the great market, a town crier making public proclamation of his offence ; they then placed him at the base of a structure resembling a theatre, which stands in the midst of the market-place, while the crier went to the top of the building and with a loud voice again proclaimed his offence ; whereupon the people beat him with sticks until he was dead. We likewise saw many persons in prison, who were said to be confined for theft and other offences they had committed. There are in this province, according to a report made by my orders, five hundred thousand inhabitants, besides those in another small province adjacent to this, called Guazincango, who live in the same manner, not subject to any native sovereign, and are not less the vassals of your Highness than the people of Tascalteca (Tlascala). — pp. 61 – 63.

In announcing the arrival of ambassadors from Mexico, and the discussions with them and the Tlascalans, who were mutually intent on each other's destruction, Cortés instructs us in his policy, and indicates his reliance for success not less on those dissensions than on the small military force, with which he had begun his conquests.

"I was not a little pleased," says he, "on seeing their want of harmony, as it seemed favorable to my designs, and would enable me to bring them more easily into subjection, according

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to the common saying *De Monte*, &c. I likewise applied to this case the authority of the Evangelist, who says, 'Every kingdom divided against itself shall be rendered desolate;' and I dissembled with both parties, expressed privately my acknowledgments to both for the advice they gave me, and giving each of them credit for more friendship towards me than I experienced from the other." — p. 64.

After a narrow escape at Cholula, from which the Spaniards were preserved by Doña Marina, who had learned from a native female the plan of the meditated attack, and which, as usual, Cortés contrived to turn to his own advantage, he entered the city of Temixtitan (Mexico), as a guest. Montezuma, whose whole policy had been vacillating in the extreme, made every effort to divert the Spaniards from visiting the capital, and offered for that purpose magnificent presents, the natural effect of which, however, was only to render stronger the inducements for conquest.

The following is the writer's account of his entrance into Mexico, as well as of the reception given him by Montezuma, who seems thus early to have apprehended the fate of his empire, to which he attempted to reconcile himself by reference to a tradition, of which the conqueror, on his side, was nothing loth to take advantage.

"When we passed the bridge, the Señor Muteczuma came out to receive us, attended by about two hundred nobles, all barefooted and dressed in livery, or a peculiar garb of fine cotton, richer than is usually worn; they came in two processions in close proximity to the houses on each side of the street, which is very wide and beautiful, and so straight that you can see from one end of it to the other, although it is two thirds of a league in length, having on both sides large and elegant houses and temples. Muteczuma came through the centre of the street, attended by two lords, one upon his right, and the other upon his left hand, one of whom was the same nobleman who, as I have mentioned, came to meet me in a litter; and the other was the brother of Muteczuma, lord of the city of Iztapalapa, which I had left the same day; all three were dressed in the same manner, except that Muteczuma wore shoes, while the others were without them. He was supported on the arms of both, and as we approached, I alighted and advanced alone to salute him; but the two attendant lords stopped me to prevent my touching him, and they and he both performed the ceremony of kissing the ground; after which he directed his brother who accompa-

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nied him to remain with me; the latter accordingly took me by the arm, while Muteczuma, with his other attendant, walked a short distance in front of me, and after he had spoken to me, all the other nobles also came up to address me, and then went away in two processions with great regularity, one after the other, and in this manner returned to the city. At the time I advanced to speak to Muteczuma, I took off from myself a collar of pearls and glass diamonds, and put it around his neck. After having proceeded along the street, one of his servants came bringing two collars formed of shell fish, enclosed in a roll of cloth, which were made from the shells of colored prawns or periwinkles, held by them in high estimation; and from each collar depended eight golden prawns, finished in a very perfect manner, about a foot and a half in length.* When these were brought, Muteczuma turned towards me and put them round my neck; he then returned along the street in the order already described, until he reached a very large and splendid palace, in which we were to be quartered, which had been fully prepared for our reception. He there took me by the hand and led me into a spacious saloon, in front of which was a court, through which we entered. Having caused me to sit down on a piece of rich carpeting, which he had ordered to be made for his own use, he told me to wait his return there, and then went away. After a short space of time, when my people were all bestowed in their quarters, he returned with many and various jewels of gold and silver, feather-work, and five or six thousand pieces of cotton cloth, very rich and of varied texture and finish. After having presented these to me, he sat down on another piece of carpet, they had placed for him near me, and being seated he discoursed as follows:—

"'It is now a long time since, by means of written records, we learned from our ancestors that neither myself nor any of those who inhabit this region were descended from its original inhabitants, but from strangers who emigrated hither from a very distant land; and we have also learned that a prince, whose vassals they all were, conducted our people into these parts, and then returned to his native land. He afterwards came again to this country, after the lapse of much time, and found that his people had intermarried with the native inhabitants, by whom they had many children, and had built towns in which they resided; and when he desired them to return with him, they were unwilling to go, nor were they disposed to acknowledge him as

* They are still called prawns (camazones), corresponding in some degree to strings of coral.

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their sovereign; so he departed from the country, and we have always heard that his descendants would come to conquer this land, and reduce us to subjection as his vassals; and, according to the direction from which you say you have come, namely, the quarter where the sun rises, and from what you say of the great lord or king who sent you hither, we believe and are assured that he is our natural sovereign, especially as you say that it is a long time since you first had knowledge of us. Therefore be assured that we will obey you, and acknowledge you for our sovereign in place of the great lord whom you mention, and that there shall be no default or deception on our part. And you have the power in all this land, I mean wherever my power extends, to command what is your pleasure, and it shall be done in obedience thereto, and all that we have is at your disposal. And since you are in your own proper land and your own house, rest and refresh yourselves after the toils of your journey, and the conflicts in which you have been engaged, which have been brought upon you, as I well know, by all the people from Puntunchan to this place; and I am aware that the Cempoallans and Tlascalans have told you much evil of me, but believe no more than you see with your own eyes, especially from those who are my enemies, some of whom were once my subjects, and having rebelled upon your arrival, make these statements to ingratiate themselves in your favor. These people, I know, have informed you that I possessed houses with walls of gold, and that my carpets and other things in common use were of the texture of gold; and that I was a god, or made myself one, and many other such things. The houses you see are of stone and lime and earth.' And then he opened his robes and showed his person to me, saying, 'You see that I am composed of flesh and bone like yourselves; and that I am mortal, and palpable to the touch,' at the same time pinching his arms and body with his hands; 'see,' he continued, 'how they have deceived you. It is true I have some things of gold, which my ancestors have left me; all that I have is at your service whenever you wish it. I am now going to my other houses where I reside; you will be here provided with every thing necessary for yourself and your people, and will suffer no embarrassment, as you are in your own house and country.' I answered him in respect to all that he had said, expressing my acknowledgments, and adding whatever the occasion seemed to demand, especially endeavouring to confirm him in the belief that your Majesty was the sovereign they had looked for; and after this he took his leave, and having gone, we were liberally supplied with fowls, bread, fruits, and other things required for the use of our quar-



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ters. In this way, I was for six days amply provided with all that was necessary, and visited by many of the nobility." — pp. 85 – 89.

According to the accounts transmitted to us by the first writers on Mexico, the race that inhabited the country, at the time of the arrival of the Spaniards, had come from the north of California, and had only resided in their new abodes about three centuries. The city of Temixtitan was not founded till 1325, and was built originally very much like the Queen of the Adriatic, on small islands in the water ; and even the gardens, on which the first inhabitants relied for the products of the earth, were of artificial formation. In the course of time, Temixtitan rendered tributary, or incorporated into its dominions, most of the neighbouring states, and extended its territory to both oceans. The kingly office had only existed since 1352, and Montezuma was the ninth sovereign in succession.

Of the magnitude of the Mexican empire, the accounts are not altogether consistent. De Solis assigns to it a territory reaching from Panama to California. Humboldt, after Clavigero, restricts its limits to the river Guasacualco on the east, and the port of Zacatula, on the Pacific ocean, on the west, which bounds did not include the whole of Anahuac. The population of the country is equally a matter of conjecture, — quite as much so as that of ancient Egypt. But though it was undoubtedly much greater than at the present day, we are not to believe the Spanish priests, who state that, from 1524 to 1540, six millions were baptized. As to the number of inhabitants in the city, the estimates vary from 60,000 to a million. "In the vale of Mexico," says Clavigero, "besides the three courts of Mexico, Acolhuacan, and Tlacopan, there were forty eminent cities and innumerable hamlets." "Fifty thousand vessels traversed the Mexican lakes." Of these lakes, it may be remarked, that the natural beauty, as well as the commercial facilities, have been in no small degree impaired since the time of Cortés, by the measures for preventing inundations, that were commenced even under the Indian emperors, of whose works there are still some remains.

From the description of the capital and court of Montezuma, we should be glad to give copious extracts, not only from their interesting character, but as fair specimens of

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the translation; but our limits make it necessary to omit many passages that we had marked for quotation.

"This province is in the form of a circle, surrounded on all sides by lofty and rugged mountains; its level surface comprises an area of about seventy leagues in circumference, including two lakes, that overspread nearly the whole valley, being navigated by boats more than fifty leagues round. One of these lakes contains fresh, and the other, which is the larger of the two, salt water. On one side of the lakes, in the middle of the valley, a range of highlands divides them from one another, with the exception of a narrow strait which lies between the highlands and the lofty sierras. This strait is a bow-shot wide, and connects the two lakes; and by this means a trade is carried on between the cities and other settlements on the lakes, in canoes, without the necessity of travelling by land.

"This great city of Temixtitan [Mexico] is situated in this salt lake; and, from the main land to the denser parts of it, by whichever route one chooses to enter, the distance is two leagues. There are four avenues or entrances to the city, all of which are formed by artificial causeways, two spears' length in width. The city is as large as Seville or Cordova; its streets, (I speak of the principal ones,) are very wide and straight; some of these, and all the inferior ones, are half land and half water, and are navigated by canoes. All the streets, at intervals, have openings, through which the water flows, crossing from one street to another; and, at these openings, some of which are very wide, there are also very wide bridges, composed of large pieces of timber, of great strength, and well put together; on many of these bridges, ten horses can go abreast.

"This city has many public squares, in which are situated the markets, and other places for buying and selling. There is one square twice as large as that of the city of Salamanca, surrounded by porticoes, where are daily assembled more than sixty thousand souls, engaged in buying and selling; and where are found all kinds of merchandise that the world affords, embracing the necessaries of life — as, for instance, articles of food, as well as jewels of gold and silver, lead, brass, copper, tin, precious stones, bones, shells, snails, and feathers. There are also exposed for sale wrought and unwrought stone; bricks, burnt and unburnt; timber, hewn and unhewn, of different sorts. There is a street for game, where every variety of birds found in the country are sold." — "Painters' colors, as numerous as can be found in Spain, and as fine shades; deerskins, dressed and undressed, dyed different colors; earthenware, of a large

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size and excellent quality; large and small jars, jugs, pots, bricks, and an endless variety of vessels, all made of fine clay, and all or most of them glazed and painted; maize, or Indian corn, in the grain and in the form of bread — preferred in the grain, for its flavor, to that of the other islands and terra firma; patés of birds and fish; great quantities of fish, fresh, salt, cooked, and uncooked; the eggs of hens, geese, and of all the other birds I have mentioned, in great abundance, and cakes made of eggs; finally, every thing that can be found throughout the whole country is sold in the markets, comprising articles so numerous that, to avoid prolixity, and because their names are not retained in my memory, or are unknown to me, I shall not attempt to enumerate them. Every kind of merchandise is sold in a particular street or quarter assigned to it exclusively, and thus the best order is preserved. They sell every thing by number or measure; at least, so far, we have not observed them to sell any thing by weight. There is a building in the great square that is used as an audience-house, where ten or twelve persons, who are magistrates, sit and decide all controversies that arise in the market, and order delinquents to be punished. In the same square, there are other persons, who go constantly about among the people, observing what is sold, and the measures used in selling; and they have been seen to break measures that were not true.

"This great city contains a large number of temples,* or houses for their idols, very handsome edifices, which are situated in the different districts and the suburbs; in the principal ones, religious persons of each particular sect are constantly residing, for whose use, beside the houses containing the idols, there are other convenient habitations."—"Among these temples, there is one which far surpasses all the rest, whose grandeur of architectural details no human tongue is able to describe; for, within its precincts, surrounded by a lofty wall, there is room enough for a town of five hundred families. Around the interior of this enclosure, there are handsome edifices, containing large halls and corridors, in which the religious persons attached to the temple reside. There are full forty towers, which are lofty and well built, the largest of which has fifty steps leading to its main body, and is higher than the tower of the principal church at Seville. The stone and wood of which they are constructed are so well wrought in every part, that nothing could be better done; for the interior of the chapels containing the idols consists of curious imagery, wrought in stone, with plaster ceilings,

* "The original has the word *mezquitas*, mosques; but, as that term is applied, in English, exclusively to Mahometan places of worship, one of more general application is used in the translation."

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and wood-work carved in relief, and painted with figures of monsters and other objects. All these towers are the burial-places of the nobles, and every chapel in them is dedicated to a particular idol, to which they pay their devotions.

"There are three halls in this grand temple, which contain the principal idols; these are of wonderful extent and height, and admirable workmanship, adorned with figures sculptured in stone and wood; leading from the halls are chapels with very small doors, to which the light is not admitted, nor are any persons except the priests, and not all of them. In these chapels are the images or idols, although, as I have before said, many of them are also found on the outside; the principal ones, in which the people have greatest faith and confidence, I precipitated from their pedestals, and cast them down the steps of the temple, purifying the chapels in which they had stood, as they were all polluted with human blood, shed in the sacrifices. In the place of these I put images of our Lady and the Saints, which excited not a little feeling in Muteczuma and the inhabitants, who at first remonstrated.

"In regard to the domestic appointments of Muteczuma, and the wonderful grandeur and state that he maintains, there is so much to be told, that I assure your Highness, I know not where to begin my relation, so as to be able to finish any part of it. For, as I have already stated, what can be more wonderful, than that a barbarous monarch, as he is, should have every object found in his dominions imitated in gold, silver, precious stones, and feathers; the gold and silver being wrought so naturally as not to be surpassed by any smith in the world; the stone-work executed with such perfection that it is difficult to conceive what instruments could have been used; and the feather-work superior to the finest productions in wax or embroidery.

"There are fortified places in all the provinces, garrisoned with his own men, where are also stationed his governors and collectors of the rents and tribute rendered him by every province; and an account is kept of what each is obliged to pay, as they have characters and figures made on paper that are used for this purpose. Each province renders a tribute of its own peculiar productions, so that the sovereign receives a great variety of articles from different quarters. No prince was ever more feared by his subjects, both in his presence and absence. He possessed, out of the city as well as within, numerous villas, each of which had its peculiar sources of amusement, and all were constructed in the best possible manner for the use of a great prince and lord. Within the city, his palaces were so wonderful that it is hardly possible to describe their beauty and

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extent; I can only say, that in Spain there is nothing equal to them.

"There was one palace, somewhat inferior to the rest, attached to which was a beautiful garden, with balconies extending over it, supported by marble columns, and having a floor formed of jasper, elegantly inlaid. There were apartments in this palace sufficient to lodge two princes of the highest rank with their retinues. There were likewise belonging to it ten pools of water, in which were kept the different species of water-birds found in this country, of which there is a great variety, all of which are domesticated; for the sea-birds, there were pools of salt water, and, for the river-birds, of fresh water. The water is let off at certain times to keep it pure, and is replenished by means of pipes. Each species of bird is supplied with the food natural to it, which it feeds upon when wild. Thus, fish is given to birds that usually eat it; worms, maize, and the finer seeds, to such as prefer them. And I assure your Highness, that to the birds accustomed to eat fish there is given the enormous quantity of ten arrobas every day, taken in the salt lake. The emperor has three hundred men, whose sole employment is to take care of these birds; and there are others, whose only business is to attend to the birds that are in bad health."—pp. 111 – 122.

There were regular couriers established, at stated distances, on the principal routes, so that intelligence could be carried from one to another with great rapidity throughout the empire. The communications were made by painting the objects to be described on cloths of cotton. It was in this manner, that Montezuma was apprized of the arrival of Cortés, and of his victory at Tabasco.

The abilities of the Conqueror cannot be appreciated without a reference to the difficulties, in which he was involved by the continued hostility of Velasquez. In his wars with the natives, he enjoyed the superiority which European weapons afforded, and, while the Indians were unacquainted with gunpowder, they not unreasonably ascribed supernatural powers to those who could create, as it seemed, the thunder and lightning of heaven. But when, far in the interior of a foreign land, his handful of men were surrounded in a walled town by hundreds of thousands, whose first feelings of reverence and awe had been converted into implacable hatred, and whom daily intercourse and the means of observing the practice of all the European vices

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had taught that their invaders were mortal, he received intelligence of the arrival of a body of his countrymen, double the number of his own forces, and commanded by a rival, who enjoyed those advantages which the sanction of a regular authority confers, and which Cortés could with difficulty claim ; when we learn that, from such embarrassments, he found means not only to extricate himself, but to turn the occurrence to his own advantage, and render it the source and foundation of new successes, we cannot fail to recognize in him an indomitable energy of character, and those resources adequate to every emergency, which are only to be found in men of the highest order of genius.

Though Narvaez was invested with the authority of Governor, derived from the same power that had given the original commission to Cortés, the latter determined at once to treat his rival as a usurper. With as large a force as he could collect, but which, after leaving five hundred men in garrison in Mexico, only amounted to seventy followers, or, including those added at Cholula, to two hundred and fifty, he proceeded to meet Narvaez at Cempoal. What occurred after his arrival in the neighbourhood of that city, is best told in the language of the Despatch.

"I gave orders to Gonzalo de Sandoval, alguazil mayor, to arrest the said Narvaez, and those persons who styled themselves alcaldes and regidores ; and for this purpose I placed eighty men under his command to proceed with him to make the arrest ; — taking myself one hundred and seventy others, (the whole number being two hundred and fifty,) without artillery or horse, but on foot, I followed the alguazil mayor to support him, in case the said Narvaez and the rest should choose to resist the execution of his process.

"On the same day that the alguazil mayor and myself arrived with our party near the city of Cempoal, where Narvaez had quartered his army, he received information of our approach, and sallied out with eighty horse and five hundred foot, leaving the rest of his force within their quarters in the great temple of the city, which was strongly fortified. Having marched out within a league of the place where we were, and not finding us, he concluded that the Indians who had given the alarm had deceived him, and returned to the city, taking the precaution to have his whole force in readiness, and posting two men about a league from the city to give notice of our approach. As I was desirous of avoiding as much as possible all offensive appearances, it

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seemed to me that it would be best to go by night, without being discovered, if practicable, directly to the quarters of Narvaez, (with the situation of which we were all well acquainted,) and seize him at once; for I thought that as soon as he was taken prisoner, there would be no further trouble.

"On Easter day, a little after midnight, I marched for the quarters of Narvaez, and before I met with the men he had posted outside of the city, the scouts I had sent forward took one of them prisoner, but the other made his escape; from the former I received information of the state of things in the city. I then hastened as much as possible, to prevent the one who had escaped from arriving before me, and giving notice of my approach; but notwithstanding my exertions, he was half an hour in advance of me. When I reached the city, Narvaez had all his men in full armor, and the horses caparisoned, in complete readiness, and two hundred men guarded every square. We moved so silently that when we were at last discovered, and the alarm was given, I had entered the square in which were the quarters occupied by the whole army, and had taken possession of three or four towers, besides the other strong buildings that stood in the same square. In one of these towers, where Narvaez was quartered, the staircase was defended by nineteen matchlocks; but we mounted it with such rapidity that they had not time to put fire to more than one of the pieces, which, it pleased God, did not go off, nor occasion any injury. So our men ascended the tower until they reached the apartment of Narvaez, where he and about fifty of his men fought with the alguazil mayor and the rest that had gone up, and although the latter called upon them many times to surrender to your Highness, they refused until the building was set on fire, when they at last gave in.

"While the alguazil mayor was employed in taking Narvaez, I, with the rest of our force, who came to their assistance, guardad the ascent of the tower, and caused the artillery to be seized and used for our defence. Thus, without the loss of more than two men, who were killed by the discharge of a gun, all those that we wished to arrest were taken, and the rest deprived of their arms, promising obedience to your Majesty's officers of justice." — pp. 141, 142.

While these events were occurring at Cempoal, the Mexicans were not idle; but having confined the Spanish garrison to their quarters, they collected their forces with a view to the entire expulsion of the invaders. Though Cortés came back to the city with a greatly increased army, recruited from the followers of Narvaez, he was immediately attacked on entering the fortress, and was soon compelled,

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after repeated conflicts, during one of which Montezuma, still a prisoner in the hands of Cortés, was killed by his own people, to abandon it, and retreat to the province of Tlascala. Indeed, so determined were the Mexicans to expel the Spanish troops, that they made a deliberate calculation that they could afford to sacrifice twenty-five thousand natives to effect the destruction of one Spaniard. Nor was there only the ordinary desire to recover their liberty, that impelled them to this course. They were immediately stimulated to revenge, says Bernal Diaz, by the acts of Alvarado, who commanded in the absence of Cortés, and who fell upon the Mexicans, while they were holding a feast in honor of their gods, for which he had given consent.

Such were the disasters attendant on the precipitate retreat of Cortés, in which he lost during one night one hundred and fifty Spaniards and two thousand of his Indian auxiliaries, not to speak of forty-five horses, which, like elephants in the wars of antiquity, were then much more prized than any number of natives, that the anniversary of his departure has ever since been distinguished as the *noche triste* in the Spanish-Mexican calendar. And had not the Tlascalans, who, at that time, could hardly have been ignorant of the ultimate designs of the Spaniards, preferred the destruction of Mexico to their own independence, the fate of Cortés, in spite of all his former brilliant successes, would have been sealed. As it was, however, he was most kindly received on reaching the limits of their state, "and assured, that he might rely on their proving sure and fast friends to him, until death." Cortés availed himself of the hospitality of his generous allies, till his forces were sufficiently recruited to go in search of new victories; and this letter, after recounting several successes, and the subjugation of new provinces, concludes with an account of the preparations that he was making to obtain the command of the lakes, and to regain possession of Mexico.

The third Despatch, which is dated at the city of Cuyoacan, where the Spaniards established themselves during the rebuilding of the capital, commences with a narrative of the events which preceded the fall of Mexico. The termination of the war was effected only by the entire destruction of the most splendid city of the New World. The forces engaged in this affair were reviewed in the city of Tlascala, on



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the second day after Christmas, 1520, and found to consist of forty horse and five hundred foot. We shall give the speech of Cortés to his troops on this occasion, which is remarkable for the effrontery with which he asserts the justice of his cause, and for the apparent sincerity with which he brands, as rebels to his Catholic Majesty, those whom he had deprived of their national rights, and who were guilty of no other offence than that of having heaped largesses on their invaders, to be employed for their own destruction.

"I said, that they must know as well as myself, it was to promote the service of your sacred Majesty that we have established colonies in this country; and they also knew, that all the natives of it had acknowledged themselves your Majesty's vassals, and as such had for some time persevered in receiving good offices from us, and we the same from them; and that without any cause, the people of Culua, including those in the great city of Temixtitan, and all the other provinces subject to them, had not only rebelled against your Majesty, but even murdered several persons who were our kindred and friends, and had driven us entirely out of their land; and that they must likewise recollect what dangers and toils we had encountered, and at the same time be sensible of how great service it would be to God and your Catholic Majesty to endeavour to recover what had been lost, having on our part the justest cause and the best reasons for so doing, as we should both contend for the increase of our faith against a barbarous nation, and promote the service of your Majesty. Induced also by a regard to our own safety, and having the coöperation of many of the friendly natives, there were powerful causes to animate our hearts, and I therefore begged them to engage cheerfully in the enterprise, and take fresh courage." — pp. 201, 202.

The Spanish forces and munitions were somewhat augmented before they reached Mexico, so that on the 28th of April, 1521, they consisted of eighty-six horse, one hundred and eighteen archers and musketeers, seven hundred foot, armed with swords and bucklers, together with three heavy iron cannon, and fifteen small copper field-pieces. With these resources the investment of the city was made. For the attack, thirteen brigantines also had been built, and with them a great victory over the Indian canoes was achieved. We shall not attempt to give a detailed account of the several encounters between the Spaniards and their allies, amounting to forty thousand men on the one side, and

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the innumerable host of natives on the other, whom Cortés, "considering that they were rebels, and had discovered so strong a determination to defend themselves or perish," had no difficulty in satisfying his conscience that it was his duty to exterminate. One extract will show the commencement of the work of destruction.

"That they might become more sensible of their situation, I this day," says Cortés, "set fire to those noble edifices in the great square, where on the former occasion, when they expelled us from the city, the Spanish troops and myself were quartered. These buildings were so extensive that a prince with more than six hundred persons in his family and domestic retinue would have found ample space for their accommodation. There were others adjacent to these, which, although somewhat smaller, were more gay and elegant, and served Muteczuma for aviaries, in which he had every variety of birds known in that country. Although it grieved me much, yet as it grieved the enemy more, I determined to burn these palaces; whereupon they manifested great sorrow, as well as their allies from the cities on the lake, because none of them had supposed we should be able to penetrate so far into the city. This struck them with terrible dismay." — p. 280.

The fighting was desperate, and the siege was continued for seventy-five days, during which the Spaniards met with several losses, and Cortés himself was often exposed to imminent hazard. On one occasion, about forty Spaniards, and more than one thousand of their Indian allies, were slain; but this was the last opportunity that the Mexicans had of rejoicing for a victory. This check induced the Spanish chief to adopt a plan, which brought about the utter destruction of the city. As he gained possession of the several streets, he resolved to destroy all the houses on both sides, so as to leave only open ground behind him, and to convert the canals and other openings from the lakes into firm land. The Mexicans resisted all overtures of peace, desiring death in preference. Cortés, on his side, was very anxious for an arrangement, that the inhabitants might not throw their treasure into the waters. His measures were at last successful, and the siege was concluded, and with it the Mexican empire.

Our limits forbid any further extracts, while, with De Solis, we are disposed, for the honor of the Conqueror, to arrest our narrative at the fall of Mexico, and not to recount those

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occurrences, in relation to the treatment of the high-minded but unfortunate Guautimucin, and of many of the caciques, which tend to tarnish the glory of the great Cortés. Nor on the theme of the Conquest need we further dilate. The American reader will, ere long, have an opportunity of perusing, from the pen of one of our accomplished countrymen, whose account of the reign of the Spanish sovereigns immediately preceding that of Charles the Fifth has already enrolled him among the classic historians of the language, the fullest details of this remarkable event. To Mr. Prescott, it is understood, that all documents, as well in the mother country as in America, that tend to illustrate his subject, have been laid open, and his narrative can hardly fail to render uninteresting any discussions founded solely on sources of information generally accessible, unless, like the letters of Cortés, they emanated from those directly engaged in the mighty enterprise.

The Despatches continue the history of Mexico to the 15th of October, 1524; and the fourth is dated from Temixtitan (Mexico), after Cortés had received his appointment of Governor and Captain-general of New Spain. It points out the manner in which he disposed of Tapia, whom he induced voluntarily to retire, notwithstanding the royal commission which he had received, and of Garay, who had again landed in the country with a considerable force, but with whom Cortés effected his purpose by means of a proposed matrimonial alliance. It includes accounts of the exploration of the mining districts, of the rebuilding of the capital on a magnificent scale, for which the labor of the Indians was put in requisition, and of the course which was pursued in order to bring the whole country into subjection to the crown of Spain. Cortés also refers to the suppression of the rebellion at Panuco, and to the expedition to Honduras, on which occasion the unfortunate Guautimucin was hanged, to the attempts made for the discovery of the supposed strait connecting the two oceans, and to his early explorations of the South Sea, or Pacific ocean. It likewise contains several suggestions for the internal administration of the provinces, and for a religious establishment.

As to the passage connecting the two oceans, which was so great an object of solicitude three hundred years ago, and which Cortés, in a letter written at Valladolid, in 1521, by

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the Emperor Charles the Fifth, was particularly enjoined to search for, — it has been ascertained, that it can be found only by an artificial construction. But the importance of the communication is not the less on that account. The subject of the formation of a canal for this purpose attracted the notice of the Spanish government at an early period, and, thirty-five years ago, the matter was particularly examined by Humboldt, who indicated five places where it might be cut. It also formed one of the topics proposed for discussion at that Congress of the States of America, which was to have been held at Panamá, during the administration of President J. Q. Adams ; and it has more than once occupied the attention of our Federal legislature, as well as of the governments of our sister republics. It was the object of several proposed corporations or associations, during that period when the extension of the credit system in this country and in England held out inducements for enterprises far less promising. But there is now little hope, that it will soon be undertaken by the government of any country either in Europe or America ; and the report that appeared in the public journals a few weeks since, that a private commercial establishment in London, distinguished for its success and the character of its members, was about to accomplish this great work, is now contradicted. In this connexion, we cannot omit adverting to a most able paper on the subject, which has lately been published, in which the advantages to result from the work to Europe and America are set forth, and the feasibility of the several proposed routes is discussed. We refer to a letter from the accomplished minister of the United States at Berlin, addressed to Mr. Markoe, Secretary of the National Institute, and which appeared in the "Intelligencer" of the 19th of August last. Mr. Wheaton, in the historical summary of the projects suggested from the time of the discovery of the Pacific ocean by Balboa, or rather from the first reports of the Spanish engineers to the court of Madrid, made as early as 1528, refers to the refutation of the opinion long prevalent, though it was questioned by Baron Humboldt, that the Pacific ocean, at the isthmus of Panamá, was considerably higher than the Atlantic. The most accurate surveys, made by Mr. Lloyd, an English engineer, by order of Bolivar, in 1828 – 9, prove the error of the old idea, which is, however,

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correct as to the elevation of the Red Sea above the Mediterranean, the case on which the supposition as to the Pacific and Atlantic was undoubtedly based.

We shall not dilate on the history of the Conqueror of Mexico, subsequent to the date of the last Despatch, further than to give a few of its principal incidents. Having been superseded as Governor, he went, in 1527, to Spain, where he was received with honor by the Emperor, and, by his marriage with the niece of the Duke of Bexar, became connected with several powerful families. He was created a Marquis, and Captain-general of New Spain and the provinces and coasts of the South seas, — with the power of conquering and establishing colonies, retaining the twentieth part of all his conquests for himself and his heirs. The government of New Spain, however, the object of his ardent desire, was refused to him. This, one of his contemporaries says, was owing not so much to considerations of state policy as to an affair of female pique, — another proof how frequently the most important events are influenced by trivial incidents. On occasion of his marriage, Cortés presented to the Empress, who was Regent of the kingdom, as well as to his wife, magnificent jewels ; but those of the Marchioness far surpassed those given to the Empress, an indignity which the latter never forgave. He returned to New Spain, but resided principally on his estate, directing, however, several expeditions to the South seas, in one of which he embarked in person, in 1536, and discovered California. Unable to obtain his proper position in the country which he had conquered, he went again to Castile, and even followed Charles the Fifth to Algiers, though without having any command in the expedition. He died at the age of sixty-two, when preparing to go back to America, leaving, though his political aspirations had been disappointed, large fortunes to all his children.

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ART. IX. — *Travels in Egypt, Arabia Petræa, and the Holy Land.* By the REV. STEPHEN OLIN, D. D., President of the Wesleyan University. With Twelve Illustrations on Steel. New York: Harper and Brothers. 2 vols. pp. 458, 478.

WE took up these volumes with strong prepossessions in favor of their author, and with an interest in the scenes of his travels, which led us to anticipate pleasure from his narrative. We have been happy to discover in it evidences of a kind and catholic spirit, of a bland temper, of a sober judgment, and of Christian sensibility. The style of the performance is respectable, and readers to whom the information is new will be rewarded for its perusal.

But our interest in the work was neutralized in a great degree, on detecting a delinquency on the part of the writer, which we feel it our duty to expose. The following remark in the Preface has a meaning which we did not at first attach to it. After stating the care which he had taken, that the reader should be able to distinguish his own observations from those of others, he adds; — "I wish to confine this remark to my descriptions of material objects. In referring to opinions and historical facts, I have not found it practicable, nor have I thought it important, to be equally scrupulous." Before acting on this rule to a great extent, we think he ought more scrupulously to have considered what was due to the investigations of those who had preceded him.

In preparing his work for the press, on every important point embraced in his route, our author has had the benefit of the observations of our learned countryman Dr. Robinson, as embodied in his "Biblical Researches." Our judgment on this great work has been already pronounced,* and fully sustained by the public sentiment and by the testimony of subsequent observers. Before the Royal Geographical Society had awarded to its author their medal, we regarded it with a degree of national pride. We look upon it as the remarkable monument of a life of great industry and extensive learning, devoted to a subject of sacred interest. We

* See *North American Review*, Vol. LIII. p. 175.

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have never expected that it would become, strictly speaking, a popular work. But as a repository of careful observations, sound criticism, and valuable history, it will be with all future inquirers a standard book of reference. That Dr. Olin should have availed himself of its statements is matter neither of complaint nor surprise. But we regret to find observations, for which he was manifestly indebted to it, appearing in his work as original. We feel bound to specify a few instances.

Dr. Robinson and his companion became satisfied by their observations on Mount Sinai, that the summit pointed out by the monks could not have been the place where the Law was proclaimed "in the sight of all the people;" but that another summit, two or three miles distant, with the plain below, fully satisfied the requisitions of the scriptural narrative, and is undoubtedly the true Sinai.* This was an original discovery. Their statement was published, in a summary form, previously to Dr. Olin's visit, and their extended narrative was before him when he prepared his own. He entertains his readers with the same discovery, and supports it by the same arguments, without a single allusion to his predecessors.† The presumption in the reader's mind, of course, would be, that it was all new, and the result solely of his own observations.

We have regarded the pointing out and determination of the true character of the arch of the bridge, which connected the Temple with Mount Zion, as far the most important and striking of all Dr. Robinson's discoveries.‡ Scores of travellers had looked upon those ancient stones, and speculated as to their meaning. The true explanation was reserved for one, in whose mind the image of the ancient city lay distinct, with the bridge spanning the Tyropœon. The discovery was made in 1838, and was published immediately. Dr. Olin visited the spot in 1840, and publishes his observations in 1843. He describes the same remains, and quotes the same authorities for their character.§ And not only does he make no acknowledgment of Dr. Robinson's discovery, but he adds the following remarkable statement. "I could not

* *Biblical Researches*, Vol. I. pp. 139 - 158.
† *Travels*, Vol. I. pp. 392 - 404.
‡ *Biblical Researches*, Vol. I. pp. 424 - 428
§ *Travels*, Vol. II. pp. 258 - 268.

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learn, that the most interesting and unquestionable of these remains — the massive arch of the ancient bridge — had been so much as mentioned by any modern traveller, though its existence has long been well known to European and other residents, as well as visiters."* The first part of this sentence is to us wholly inexplicable; the remainder we know to be a mistake. We are assured, on good authority, that, in Jerusalem, the discovery is uniformly ascribed to Dr. Robinson, both by residents and travellers; and we believe that, if his name was broadly inscribed on the front of the ruin, it would not be more indelibly associated with it than it now is in the mind of the visiter. These remains, of course, had been frequently examined before; but that, previously to Dr. Robinson's visit, they had ever been connected with the ancient bridge is considerably more than Dr. Olin is authorized to affirm.

One of the most valuable portions of the "Biblical Researches" contains the writer's observations on the Dead Sea. Dr. Olin had before him the results of Dr. Robinson's extended examination, with the valuable map which a skilful cartographer had constructed from his distances and angles.† He says not a word of these, though he gives the dimensions as his own estimate. He saw the Sea only from its northern end, where, confessedly, he could not distinguish its southern extremity, and says, "I suppose the length of the Sea may be forty-five or fifty miles, and its average breadth eight miles. The greatest breadth is probably ten miles."‡ Valuable supposition! It rests on surer data than his readers might imagine.

Dr. Robinson establishes conclusively the identity of the modern tower of David in Jerusalem with the ancient tower of Hippicus,§ which is an important point in determining the ancient topography of the city. He had permission from the governor to examine the citadel. This was denied to Dr. Olin, but he adopts the same conclusions, withholding, as usual, all acknowledgment.‖ A similar suggestion, it is true, had been previously advanced, — a fact, we venture to say, known to Dr. Olin only through the "Biblical Researches."

* *Travels*, Vol. II. p. 268.
† *Biblical Researches*, Vol. II. p. 217. Vol. III. pp. 42 - 45, Appendix.
‡ *Travels*, Vol. II. p. 240. § *Biblical Researches*, Vol. I. pp. 453 - 457.
‖ *Travels*, Vol. II. pp. 274 - 276.



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Dr. Robinson suggests, that the modern fountain of the Virgin may be the ancient Bethesda, and that the water may be conducted to it by a subterranean passage from the ancient fountain of Gihon, northwest of the city.* Dr. Olin advocates both hypotheses, and, in his apparent zeal to take away credit from Dr. Robinson, quotes Pococke as authority for both.† Pococke's language will bear no such construction. He thinks the Pool of Siloam might possibly be Bethesda.‡

In respect to the site of the Holy Sepulchre, Dr. Olin quotes Dr. Robinson fairly, in order to disprove his conclusions, in an argument of about twenty pages.§ Our readers generally would feel little interest in the discussion of the subject, which has, we conceive, been put quite at rest by a recent article of Dr. Robinson, in his "Bibliotheca Sacra."‖ Dr. Olin advances an original theory, founded on the probable position of the Gate Genneth. We can only say, that we have examined it patiently, and discover little merit in it, except that of contracting the already scanty dimensions of the lower city. We are aware, that in thus dissenting from our author, we expose ourselves to the imputation of a "perverse spirit of skepticism," which appears to have infected some of his companions on the occasion of his visit to the reputed Sepulchre, and with the expression of which, he complains, that his "ears were wounded." "I heard," he says, "cutting sneers about Catholic mummeries and credulity, while I knelt down with a taper in my hand, to examine the hole in the top of Calvary, where the Redeemer's cross is alleged to have been planted." We regret that our author should have been disturbed in his investigations; and that "irreverent criticisms" should have attended the edifying exhibition of the President of a New England university, in the middle of the nineteenth century, kneeling down with a taper in his hand, to examine the hole where the cross stood! We are sorry, that he should have been suspected of "credulity"; we submit, that the spectacle is not a subject for "cutting sneers"; and we bespeak an indulgent consid-

* *Biblical Researches*, Vol. I. pp 508, 514.
† *Travels*, Vol. II. pp. 152 – 154.
‡ *Description of the East*, fol. Vol. II. pp. 23, 24.
§ *Travels*, Vol. II. pp. 276 – 295.
‖ No. I. pp. 154 – 202.

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eration for the faith of so devout a pilgrim, who says, withal, that he "found believing far more *agreeable* than cold incredulity"! *

We have not attempted to specify all the passages, which we think objectionable from the writer's unwillingness to acknowledge the extent of his obligations to his predecessors. The fault pervades the work. We were more struck with it, from having once carefully examined all the popular books of travels in Palestine, which preceded the "Biblical Researches." The burden of every narrative was the same, — the legends of foreign monks, with little variation except in personal incidents. Dr. Robinson, it is known, struck out a new path, and arrived at more satisfactory conclusions. Now, Dr. Olin's Travels embody the more interesting results of the "Researches." How did he obtain them? — is a question which intelligent readers will ask. He appears to have possessed few facilities for making original investigations; was an invalid during his journey, as well as subsequently; and was not particularly thorough in his examinations. We are compelled to believe, that, on some important points, he is indebted to an unacknowledged use of Dr. Robinson's discoveries, arguments, and authorities. We make this statement with pain, but we should be faithless to our duty if we withheld it.

It was our purpose, in taking up this work, to give it a more extended notice, and to enter upon the discussion of some questions of political and religious interest relating to the Eastern world. But what we have now felt obliged to write has quite taken away our desire to proceed in this connexion, and for the present we dismiss the subject.

* *Travels*, Vol. II. p. 293.

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## Art. X. — CRITICAL NOTICES.

1. — *The First Ten Cantos of the Inferno of Dante Alighieri; newly translated into English Verse.* Boston: William D. Ticknor. 1843. 8vo. pp. 83.

We have read these cantos of the new translation of Dante with interest and care. It is executed with considerable skill and metrical power. The undertaking is a daring one, and calls for immense study, unwearied labor, great command of language, and no small share of poetical endowment, to accomplish it successfully. From the nature of the poem, the endless variety of allusion interwoven in it, and the distant period of its composition, large portions must remain for ever obscure, except to those who have given more labor to the examination of the history of Italy during the Middle Ages, than men are commonly willing to spend on an object so remote from the pursuits of the present day. The extraordinary compression of Dante's language is somewhat repulsive to the lovers of light reading and cheap literature. The condensed language of this old poet, under which the great central fires of the intensest soul that was ever imprisoned in the human breast seem raging and ever ready to burst forth, presents startling difficulties to effeminate sciolists. To represent these cardinal qualities adequately in another language is a task of all but insuperable difficulty. The English language is capable of great condensation; but the tendency of the later literature has been somewhat like that of the currency in commercial countries — to expansion, — and he who would bring his style to the requisite brevity for a good translation of Dante must give his days and nights to the study of the old English authors, and to the reduction of all superfluous phraseology. To translate Dante is no child's play. The best powers, acting in the best moments, and applied again and again to the task, can do no more than approximate the energy, the fire, and the impressive melody of the great Florentine.

Mr. Parsons has evidently studied his author with conscientious industry, and mastered his meaning, before attempting to convey it into English. His selection of the measure of Gray's "Elegy," though it is one of the most impressive metres in our language, is perhaps a questionable deviation from the original. Mr. Parsons's versification is generally easy, fluent, and expressive, but in too many passages, his translation departs from the expression, if not the sense, of the Italian. He shows a ready perception of the poetical in style, and a good judgment in the choice of poetical words. We shall best illustrate the merits of this translation, by

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giving a short passage with the original, and with the corresponding passage in Cary's version. We take a few lines, without special selection, from the ninth Canto.

"Come le rane innanzi alla nimica
Biscia per l'acqua si dileguan tutte
Finch' alla terra ciascuna s'abbica;
Vid' io piu di mille anime distrutte
Fuggir cosi dinanzi ad un ch' al passo
Passava Stige colle piante asciutte.
Dal volto rimovea quell' aer grasso
Menando la sinistra innanzi spesso,
E Sol di quell' angoscia parea lasso.
Ben m' accorsi ch' egli era del ciel messo,
E volsimi al maestro; e quei fe' segno
Ch' io stessi cheto ed inchinassi ad esso.
Ahi quanto mi parea pien di disdegno!"

PARSONS.

"As frogs before their enemy, the snake,
Quick scattering through the pool in timid shoals,
On the dank ooze a huddling cluster make,
I saw above a thousand ruined souls
Flying from one who passed the Stygian bog,
With feet unmoistened by the sludgy wave;
Oft from his face his left hand brushed the fog,
Whose weight alone, it seemed, annoyance gave,
At once the messenger of heaven I kenned,
And toward my master turned, who made a sign
That hushed I should remain and lowly bend;
Ah me! how full he looked of scorn divine!"

CARY.

"As frogs
Before their foe the serpent, through the wave
Fly swiftly all, till at the ground each one
Lies on a heap; more than a thousand spirits
Destroyed, so saw I fleeing before one
Who passed with unwet feet the Stygian sound,
He from his face removing the gross air,
Oft his left hand forth stretched, and seemed alone
By that annoyance wearied. I perceived
That he was sent from heaven; and to my guide
Turned me, who signal made, that I should stand
Quiet and bend to him. Ah me, how full
Of noble anger seemed he."

We believe every reader will agree with us in claiming the superiority, in poetical merit, for our countryman.

From the preceding observations it will be seen, that we are of opinion, that further study and repeated trials will enable Mr. Parsons to bring his version much nearer to Dante. We observe, that he is sometimes driven, by what he appropriately calls

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"stress of rhyme," to insert epithets and clauses not found in the original. This process is allowable, when the additional words only carry out the implied sense of what is actually expressed. For instance, in the above quoted passage, the epithet *divine*, applied to *scorn* in the last line, has no corresponding Italian epithet. Translated literally, and taking in every word, the line runs,

"Ah! how to me appeared he full of wrath."

The *divine* is only an implication from the circumstances of the case. But even in these cases, it is better to avoid such interpolations. They invariably weaken or falsify the original; and the latter effect is produced, even when the addition is an improvement; and one translation is better than another, *ceteris paribus*, in proportion as it avoids these alterations and additions. Let us look at one passage more, to which this process has been applied.

"He turned me round from their vindictive ire,
And with his *shadowy* fingers veiled my gaze!"

It is the Spirit of Virgil saving Dante from the Gorgon's petrifying look, and the epithet *shadowy* applied to his fingers, though a fine and appropriate one, is neither Dante's nor Dantesque. Cary in this case is truer, though not so spirited.

"Himself, my gentle master, turned me round;
Nor trusted he my hands, but with his own
He also hid me."

We regard the translation of a great poet as a work of high art. It is not enough to render his meaning from one language to another, and to make a readable book without reference to the original. The *form* is quite essential, and should, if possible, be preserved; otherwise, we do not have what the translator professes to give us. The poet has his reasons for choosing one form rather than another; such is the shape in which he deliberately determines that his creations shall be presented to the world; and none but the gravest arguments can justify the translator for setting aside the poet's own decision. The rhythm in Dante is inexpressibly affecting; the *terza rima* moulds his thoughts into such a form, that they have a force and meaning altogether peculiar and indescribable; and quite different from any effect that can be produced by the measure of Gray's "Elegy," noble and solemn as that quatrain is. We do not agree with Mr. Parsons, that "this is the nearest approach to the lengthened harmony of the Italian *terza rima* which is recognised by English ears." On the contrary, Byron's "Prophecy of Dante," which he considered "as a metrical experiment," is a magnifi-

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cent illustration of the power of this rhythm in English, and shows conclusively that, in able hands, its long-drawn music may to a great extent be reproduced.

The notes are learned and judicious, and the concluding "Word with the Reader" contains a good deal of sound criticism, pithily and elegantly expressed. Some of the author's statements, however, are not in perfect taste; and his remarks about "the petty care taken by many translators to tie themselves to the precise number of lines found in their original" are almost flippant. We assure Mr. Parsons, that the best translations which have ever been made into the English language are nearly word for word, line for line, epithet for epithet, and rhythm for rhythm, after the originals; and that there are translations executed upon this principle, which are not more distinguished for their masterly reproduction of the very spirit of the pieces, undiluted and unaltered, than for their exquisite melody and their correct and idiomatic expression, considered merely as English poems. We are not much pleased either with the intimation, that "a profound Schlegel" has "ignorantly praised" Shakspeare. His praise of Shakspeare may not agree exactly with our own or Mr. Parsons's; but Schlegel never spoke or wrote ignorantly on any subject; least of all on Shakspeare. His criticisms are the delight of those who have studied Shakspeare most, and who love him best.

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2. — *The Huguenots in France and America.* By the Author of the "Three Experiments of Living," &c. Cambridge: John Owen. 1843. 2 vols. 16mo.

These two interesting volumes go over a strange and striking period in the history of Europe. The persecutions and struggles of the French Protestants, from the time of Francis the First, until their rights were completely established by the accession of Louis Philippe, are well related. Extending over so long a period, many things of great importance must be wholly omitted, others barely touched upon, and others but briefly stated. In the early part of the work, many characters are introduced for a moment and then disappear; numerous events, whose connexion can only be understood by one who has already acquired an extended knowledge of previous history, and the history of the times, are only alluded to. The complicated relations of parties are hinted at, without being explained. But the limits of the work, and the comprehensive nature of the subject, made it impossible to give it a different form. The early history of the

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French Protestants is so interwoven with the politics of the age, that the writer cannot select a central point, around which the interest of a well-proportioned and connected story may be made to revolve. The topics and materials are scattered, and have innumerable relations to other topics and other matters. In the present work, all this is very obvious in the desultory and rather uninteresting character of the first chapters; and it is not until the fortunes of Henry of Navarre become blended in the narrative, and his star begins to approach the ascendant, that we see our way clear, and have some hope of escaping from the labyrinth. That part of the story which embraces his reign and the period immediately preceding it, assumes a regular and intelligible form; it is well told, and inspires a deep interest. Nothing disturbs our sympathy with the spirit of the writer except the very slight censure which she bestows upon Henry's memorable apostasy from a cause and a religion, in whose defence he had spent the best years of his life. This great act of treachery has nothing to justify it but an apparent expediency, and cannot be palliated by the good-nature and humanity of the monarch. History, while she awards him full credit for the virtues he possessed — and they were many and uncommon in that age — should have no word of excuse for the guilty deed of bartering conscience and religion for the gratification of worldly ambition, or even, putting the best construction upon the act, for the repose of his native country.

The character of the princess Catharine is skilfully drawn, and her heroic story told with simplicity and great effect. The various fortunes of the Huguenots through the following reigns; the revocation of the edict of Nantes by Louis the Fourteenth; the struggles that preceded the French Revolution; the direct and remote effects of this terrible catastrophe upon their condition; are all well sketched. The reader will find in these volumes a great amount of historical information, though for the reasons we have touched upon, it will be necessary for him to go further and read much more, in order to understand it fully.

The author of this book is well known by several other works, written in a popular and pleasing style. The present publication is marked by the same characteristics. Yet, in justice, it ought to be said, that good as this style is in some points, it is deficient in nerve, and is frequently careless and incorrect. The diction is sometimes deformed by words and phrases, that have no claim to admission into the English language. Is not this inelegant? "Francis carried a torch in his hand, which he delivered *every little while* to the cardinals," &c. The following sentences show carelessness of construction. "This was the queen who was afterwards arraigned for the murder of Darnley, her husband! It may be so,

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for who can tell what effect corrupting circumstances may produce," — meaning, of course, not as the words imply, "it may be that she was arraigned," but "it may be that she was guilty." We often find unauthorized words and phrases. To "realize," used in the sense of "imagine," or "believe," occurs some twenty or thirty times. The expression "rapt into future times," quoted from Pope, is written "wrapt" — which makes it absurd. But the expression that we have most objection to is the unmitigated barbarism, "was enabled to *loan* the asylum of his persecuted parents," &c. We remember, that the Adjutant-general of the Commonwealth was charged last winter, by the learned chairman of a legislative Committee, with having "*loaned*" the arms of the State, — and he confessed the truth of the charge. We were not surprised at the punishment which followed. There is no telling what people who *loan* things will do next.

We touch upon these little points, because, though small, they are real blemishes in a work of elegant literature; and in all such works, the purity of our language should be most scrupulously guarded.

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3. — *'ΟΜΗΡΟΥ ΙΛΙΑΣ. Litera Digamma restituta, ad Metri Leges redegit et Notatione brevi illustravit* Thomas Shaw Brandreth. Londini: Gulielmus Pickering. 2 vol. 1841.

These two beautiful volumes have tempted us to read again the old Chian Bard's immortal rhapsodies. No edition that we have yet seen is more attractive in its external appearance, or more tastefully and elegantly *got up*, as the modern phrase has it. Extreme care has been taken that it should be accurately printed; and the text is accompanied by Latin notes, drawn up with excellent judgment, and showing sound learning on the part of the editor. They are brief, but always to the point, and generally what the reader of Homer requires. Sometimes they turn upon critical points relating to the text, but more frequently they explain the construction and interpretation. The notes of the former kind, the reader will find frequent occasion to question; with those of the latter, though on some vexed questions he may differ from the author, he will generally agree. This part of Mr. Brandreth's work is done with admirable taste and ability.

This edition of the Iliad, however, has two peculiarities, on which the opinions of most scholars will widely vary from Mr. Brandreth's. The editor has seen fit to omit the accents, and to insert the *digamma*. We confess, that we are opposed to both



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of these attempts to restore what can only be an imagined purity of the Homeric text. It is quite true, that the accentual signs were not used in writing until centuries after the Homeric poems were composed; but accents themselves, which these signs visibly represented, of course belong to the earliest forms of the language. They are closely related to the laws of Greek musical recitation, enter deeply into the system of quantity, and never can be set aside without great injury to the just pronunciation of the Greek language. These signs have been used in writing the language for more than two thousand years; and there can be no reasonable doubt, that, when they were invented, they represented *intonations* or *stresses* of voice, actually used in the Homeric age; and as they have, at this day, at least, the office of indicating in many cases, according to a beautifully regular system of principles, the quantity of the syllables on which they stand, or which they precede, it seems desirable to retain them. There are at least as strong reasons in favor of doing so, as in the case of the Hebrew points, which all Hebraists now agree in receiving. A person accustomed to the accents finds an unaccented text awkward and unseemly.

The other point, the application of the Digamma, is still less to be recommended. The sound represented by this obsolete character no doubt existed in the early Greek language. It was long retained in some of the dialects, and passed from the Æolic into the Latin tongue. But it soon disappeared from elegant discourse, or was changed into other and softer sounds. It was always uncouth, at least in many combinations; and with the refinement of speech, and the progress of poetical composition, the language freed itself from it, or so essentially modified it as to escape the cacophonous vulgarity. In plain truth, it was the cockneyism of the ancient Greek, and, under favor of classical ears, resembled the well known peculiarity in the pronunciation of Mr. Samivel Veller.

As we remarked, there can be no doubt of its existence in early times. The ancient grammarians and scholiasts mention it; it is found on coins and inscriptions. The famous Elean plate, carried to England by Sir William Gell, and which has been repeatedly published, especially by Boeckh, and Rose, exhibits the character most distinctly. The date of this document goes back to about six centuries before Christ; and this is some centuries later than the period of the Homeric compositions. But it is written in a local dialect, and records a transaction between two inconsiderable tribes; it can, therefore, prove nothing in regard to the usage in the great cultivated forms of the language.

Mr. Payne Knight, a most able but eccentric scholar, remoulded the Iliad according to his own whimsical views, until it be-

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came difficult to recognise the venerable lineaments of Homer under this extraordinary disguise. His *Ϝιλϝιας*, and *Ϝοδυσσεια*, or in the corresponding cockney, Vilviad, and Vodyssey, is in some respects a valuable work, but chiefly for the acute and learned Prolegomena. It will for ever remain a monument of the vast erudition and wonderful absurdity of that erratic scholar. Let us copy the first three lines of the Vilviad, and see how they read.

"*Μηνιν αϝειδε θεα, πηλεϝιαδαϝ' αχιλεϝος*
*ολομενην ϝη μὐρἰ αχαιϝοις ἄλγἐ εθηκεν,*
*πολλας δ' ιφθῖμοϝς πσυϝχας αϝιδι προιαπτσεν.*"

Such is Knight's text; without accent, without breathing, without capitals, the double and triple consonants resolved; and with this copious infusion of the Digamma. Our readers will be able to form some idea of the effect of all these improvements, by the following specimen of a digammated Paradise Lost.

vof man's first disvobedivence vand the fruit
vof that forbidden tree, vhose mortal taste
brought death vinto the vorld vand vall our voe
vith loss vof veden, 'till vone greater man
restore vus vaud regain the blissful seat,
sing evenly muse, that von the secret top
vof voreb vor vof sinavi didst vinspire, &c.

Bentley's famous edition of Milton will have to yield the palm when the digammated Paradise makes its appearance.

Mr. Brandreth's good sense has saved him from the learned aberrations of Knight; and yet his use of the digamma, though comparatively moderate, is no more to be defended on principle than Knight's. In his well-written preface, he states the grounds upon which he has proceeded in the execution of his plan. "*Cum jam inter omnes constet, Homerum literam digamma in scriptis adhibuisse, neque sine eâ aut metri aut Grammaticæ ejus ratio stare possit,*" *&c.* Now we do not agree to the very first proposition,—the very basis on which the whole system rests. So far from all admitting that Homer used the letter digamma in his writings, there are many who believe, that Homer never used any letter at all, for the very good reason that, like some of the bards of chivalry in the Middle Ages, he could neither read nor write. This is not our own opinion, but it has had many and able supporters. He proceeds, a little further on; "*Hiatus vitasse Homerum constat; digamma, ut exhibui, mille septuagentos et quinquaginta circiter tollit; alios circiter centum variis remediis sustuli.*" It is by no means evident, that Homer avoided the hiatus. The epic language, on the contrary, delighted in long-drawn vowel sounds; the beautiful climate, the soft airs, and the delicious scenery of Ionia and the isles of Greece, favored the liquid melody which is produced by an abundance of vowels,

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and this abundance leads inevitably to frequent examples of hiatus. The language of Herodotus, which retains many forms and varieties of the epic style, has this one characteristic most frequently. In our opinion, the *remedies* which Mr. Brandreth proposes are much worse than the disease, for besides applying the digamma, he alters the text whenever this remedy is ineffectual. Against all these proceedings, the arguments are strong, not to say irresistible; certainly, no considerations of metre and grammar can have much weight with any scholar, who views these questions unbiassed by learned whims and theories. In making up our opinion upon this subject, we must bear in mind, that the Greek language in Homer's time was copious, graphic, flexible, and plastic; and that its musical character was its most striking trait. The quantity of syllables, in many cases, was varied to suit the exigences of the verse; and this, in an age when musical recitation, accompanied by an instrument, was the mode of delivery, might be accomplished very easily. The distinction between long and short vowels was noted only in musical time; syllables might frequently be lengthened or shortened at the singer's will, according to the requisitions of the hexametrical rhythm; and as to the grammatical construction, the old bard of Chios never dreamed of the thousand and one philological niceties, which have been thrust upon him.

This musical character of the Homeric language would have been greatly impaired, if not entirely destroyed, by the existence of the Æolian cockneyism to the degree in which Payne Knight has applied it. It would have been difficult, not to say impossible, to chant the rhapsodies with this perpetually recurring vulgar provincialism; for, despite the ingenuity of learned editors, vulgar it was, and rejected it was by the polite speakers and writers in the best age of Greece. And any attempt to employ it, — suppose at the Panathenaic festival, — would have brought upon the unlucky rhapsodist a storm of ridicule from his critical audience. We make bold to say, that the Payne Knights of antiquity would never have repeated the experiment after a single trial.

These are a few of the general considerations against the introduction of the digamma. Historically viewed, the question is still more narrowed down. The Iliad and Odyssey, as we now have them, may be traced back, substantially, through the Alexandrian revisions, to the age of Pisistratus and his sons, when the greatest poetical talents of Greece were employed upon their arrangement and publication. That the Homeric poems were not materially altered at that time is shown by the fact, that the language, differing widely from the Attic, was not made to conform closely to the Athenian standard. These editors did not think the digamma belonged to the orthography of the Iliad and Odyssey; had they found it in their copies, or had the sound

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been received at the time, the fidelity with which they adhered to the old epic forms in other respects proves, that they would not have ventured upon such a falsification as striking the digamma out. These revisions took place about the time of the Elean inscription. The digamma did exist, then, in some places, and in certain provincial dialects, at the time when the text of the Iliad and Odyssey was settled by the illustrious poets, whom the Athenian princes called to the work. The inference clearly is, that it was *only* a provincialism; that it had been for centuries only a provincialism; that it would have been a corruption of the Homeric text to introduce it; and thus, for the soundest reasons, it was not introduced. But modern editors, forgetting the musical flexibility of the Homeric language, insist upon enforcing the laws of prosody that were established long after Homer's time, and which have no strict application to his magnificent hexameter. His verses were chanted, — not printed, not read, not scanned syllable by syllable, with an immense apparatus of *arses*, and *theses*, and *cæsuras*, principal and secondary; and all the efforts of such digammato-maniacs as Payne Knight only serve to obscure and deform the poet's original brightness. Even supposing that Homer and the rhapsodists employed the digamma, — a supposition which is not to be readily admitted, — its omission in the text for the last twenty-five centuries would alone be a sufficient argument against all attempts at its restoration: for it is evident, that the restorer has, with very few exceptions, nothing but his own sagacity to guide him; and the sagacity of restorers, both in literature and art, is but a slender support to lean upon.

These remarks do not apply in their full force to Mr. Brandreth. Though his theory is quite as unfounded as Payne Knight's, his practice is far less paradoxical. For Knight's *Vilviad*, he gives us the comparatively reasonable form of the *Viliad;* and throughout in nearly the same proportion.

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4. — *The Anabasis of Xenophon; chiefly according to the Text of L. Dindorf; with Notes for the Use of Schools and Colleges.* By John J. Owen, Principal of the Cornelius Institute. New York: Leavitt & Trow. 1843. 12mo. pp. 366.

This is one of the best prepared classical school-books that have ever fallen under our notice. The romantic interest of the narrative, and the charms of Xenophon's incomparable style, have immortalized the retreat of the Ten Thousand, which would have occupied, at best, only an unimportant place in ancient history, had it been left to take its chance of being commemorated by any other than the graceful genius of the

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Athenian adventurer. As it is, the expedition stands forward with marked prominence among the feats of Hellenic skill and valor, and the narrative of its historian ranks high in the literature of the world. Mr. Owen has, therefore, chosen well in taking this work for the object of his labors; and the manner in which he has executed the plan he proposed to himself at the beginning corresponds to the good judgment displayed in the selection. The text he has chiefly followed is that of Dindorf, published in 1825; but he has also made use of all the leading editions, Schneider's, Bornemann's, Poppo's, Krüger's, Belfour's, and Long's. The text is very carefully printed, and the type is of a good size and shape. The punctuation is settled on what we consider correct principles, at least as applied to the Greek; the sentences are not cut up by commas into such minute portions as has been common of late; but the words and expressions are massed together, more according to the probable manner of reading and speaking among the ancients, and according to the natural grouping of the ideas, than the recent mode of punctuation allows. We like this well.

A summary of the contents of each book is prefixed to the volume. This will be useful for the student before he begins to read the Greek text; it will give him a very clear and comprehensive idea of the substance and plan of the Anabasis. The first book is accompanied with copious references to the grammar of Mr. Sophocles; these references will explain every construction and grammatical form; and, when the first book has been carefully studied, no grammatical or syntactical difficulty will check the student's progress through the remainder of the work. Among these references questions are interspersed, for the purpose of calling the scholar's attention to special points. At the end of the volume, the editor has placed a body of well-digested notes, comprehending grammatical explanations, critical interpretations, and all the geographical, historical, and statistical details, which are necessary to illustrate the text of Xenophon. We think these notes excellent both in manner and matter; they are copious, but not unnecessarily so, and the subjects treated in them show an exact appreciation of the scholar's wants. We have also tables explaining the distances and times of marches, and the values of coins; a genealogical table of the Persian kings; lists of numbers in armies; and other particulars, so satisfactory for the reader to have at hand, and so difficult to be obtained by one who has not a considerable library at his command. We are particularly pleased with the attention Mr. Owen has given, in his notes, to the Greek particles, on which the varied beauty of Greek composition so materially depends. Xenophon uses these minute touches, these delicate shadings, so to speak, with particular attention and skill; and the careless and

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superficial reader, who skims easily over the charming pages of this incomparable author, loses half the magic of his style, if he fails to note the curious felicity with which the particles are employed.

Mr. Owen will forgive us, if, while heartily commending his admirable book, we object to his twice introducing into his judicious preface that barbarous Americanism, "locating places," — a phrase that smacks more of speculation in Western lands than of expounding the elegances of classical literature.

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5. — *Poetry for Home and School.* Selected by the Author of the "Theory of Teaching" and "Edward's First Lessons in Grammar." Boston: S. G. Simpkins. 1843. 12mo. pp. 360.

This is a very beautiful selection of poetry for the purpose which the editor had in view in making it. The pieces are taken from the whole range of English and American literature, and of course must exhibit a great variety of styles; but they are *entire*, and in this respect the work is greatly superior to any other selection with which we are acquainted. Each piece has an interest by itself, and depends upon nothing else for its explanation. Each piece, also, has merit in itself, and is worth a careful reading both by young and old. We find in the whole volume none of the namby-pamby stuff — that sort of intellectual pap — which is supposed by many to be the suitable aliment for the mind of childhood.

A book like this, thoroughly read, and perhaps studied, in the schools, will fill the minds of children with forms of beauty, and sentiments of purity, that may make their whole lives more noble. Another effect, of less vital consequence, and yet important enough to excite the serious attention of parents and teachers, is, that the person whose early years have been passed in growing familiar with such exquisite models of poetical imagery and rhythm, will always retain a perception of the metrical beauties of his mother tongue, which is not easily acquired by those who begin the study of poetry at a later period. The only point on which we hesitate to agree with the editor's taste and judgment, is the selection of several Scotch poems, containing words that do not belong to the English language, and yet are unexplained by notes; and of some of the old English ballads. True, these are of great poetical beauty; but their peculiar spirit cannot, perhaps, be made sufficiently clear to children at school. The editor has a just view of the importance of developing the sentiment of beauty early in the

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soul; and this little book is admirably fitted to promote that desirable aim. We are particularly pleased to see so many of Miss Lamb's humorous and delightful little poems in it.

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6. — *The Relation of the Poet to his Age:* a Discourse delivered before the Phi Beta Kappa Society of Harvard University, on Thursday, August 24, 1843. By George S. Hillard. Boston: Charles C. Little and James Brown. 8vo. pp. 53.

This discourse is the production of a mind thoroughly imbued with elegant scholarship, and guided by delicate and refined taste. The writer is a perfect master of soft and beautiful diction, relieved by copious allusions, and diversified by pleasing imagery. His style is rich even to exuberance, and polished to the last degree of nicety. It is full of pictured words, glowing images, and fanciful expressions. Yet it is sufficiently chastened always to stop short on the right side of affectation and unmeaning display. Those who had the pleasure of hearing the discourse will not soon forget the delightful impression made by the silvery voice, the musical intonations, and graceful manner of the speaker; and even as they read it, the exquisite and flowing sentences will still seem allied to music, and to touch the outward sense as well as to stir the fancy and to excite the reflective power. To such a production it is difficult to apply the rules of criticism with ordinary strictness; but if we were inclined to fault-finding, we might object to some lack of precision and definiteness in the statement of the leading idea in the mind of the speaker, and a consequent defect of unity and method in the course of his remarks. The thought is sometimes overlaid by the illustration, and the hearer's or reader's attention is diverted to the accessaries, when it should be fastened on the proposition to be supported, or the truth which the orator seeks to illustrate and enforce. But this fault is shared with some of the most delightful poetry in the language, and it would be hypercritical to insist upon it. To some persons, it may even appear inevitable in a literary discourse, prepared for such an occasion, when the object is rather to give pleasure than to impart instruction. The tone is certainly far from being didactic, and we are not clear that Mr. Hillard means to set forth any one proposition as an object of discussion and argument. His remarks are consequently rather discursive; but they are animated with a lofty spirit, and embody much noble sentiment and elegant criticism. Sound principles are inculcated, manly and

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sensible advice is given to the poetical aspirant and the youthful man of letters, and the enthusiasm with which the scholar regards his peculiar vocation is expressed in bold and eloquent terms.

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7.—*Lays of My Home, and other Poems.* By JOHN G. WHITTIER. Boston: William D. Ticknor. 1843. 16mo. pp. 122.

THERE is a little affectation in the title of this volume, which may be excused by the necessity that most authors imagine themselves to be suffering under, of inscribing on their productions some pithy or characteristic *legend*, like the *cartouches* of the Egyptian monuments. The poetry of Mr. Whittier has merits of a high order, though not, perhaps, quite so high as he seems to fancy, if we may judge by a little touch of egotism in the poem entitled "Memories": —

> "On life's rough blasts, for blame or praise,
> The school-boy's name has widely flown."

Mr. Whittier commands a vigorous and manly style. His expression is generally simple and to the point. Some passages in his poems are highly picturesque; and at times his imagery is bold and striking. But he is deficient in the sense of proportion. His pieces seem to be the chance sallies of a strong imagination, irregularly excited and roused to fitful action, rather than the well planned and artfully finished works of the accomplished poet. In his poems, thoughts frequently are but loosely connected with each other; indeed, the associating link is sometimes wholly imperceptible. At times, a poem continues long after the sense is completed; then again, the strain suddenly ceases, why or wherefore we know not. From this it happens, that the reader carries away from the perusal of his works a vague recollection of poetical phrases, but no image of an entire and perfected poem. Mr. Whittier is not yet completely master of English versification. With many passages of fine harmony, he has written more that are deformed by harshness, and forced turns of accentuation. The spirit of most of his pieces is highly to be commended; and yet the violence of the partisan introduces here and there a disagreeable discord. What right, for instance, has Mr. Whittier to speak in the virulent tone, which he sees fit to employ, against those clergymen who hold different opinions from his on the disputed question of capital punishment? There is no taste, no Christianity, and no poetry in all this: if Mr. Whittier supposes there is, he mistakes all three.

The most vigorous, finished, and the best conceived pieces in



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this volume are the "Norsemen," "Raphael," and "Massachusetts to Virginia." These three are worth all the rest of the volume together. The lines are musical almost without a fault; and the imagery and expression are noble and spirit-stirring. Had they been published by themselves, they would have placed the poet's name higher than the entire collection will raise it: for this is one of the cases, unfortunately not very rare in American poetry, where, in the phrase of Hesiod,

*Νήπιοι, οὐδὲ ἴσασιν ὅσῳ πλέον ἥμισυ παντός.*

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8. — *An Oral System of teaching Living Languages; Illustrated by a Practical Course of Lessons in the French through the Medium of the English.* By JEAN MANESCA. Fourth Edition, revised. New York: Roe Lockwood. 1843. 8vo. pp. 518.

WE have great doubts about the efficacy of the new methods, which are proposed from time to time, for learning the ancient and modern languages with extraordinary facility and speed. They are, for the most part, generalizations of the experience of an individual instructor, who has taught others with ability and success, and wishes that his system may become generally known and approved. But almost every teacher has a scheme of his own, and his success is generally due, not so much to the peculiarity of his method, as to his tact and skill in reducing it to practice, and adapting it to the different characters of his several pupils. It is very problematical, whether the plan will work well in any other hands than those of the inventor. For the pupil, after all, there is but one course, — the diligent use of the grammar and dictionary. If the teacher has time and patience, he may do as Mr. Manesca proposes; he may take away these formidable volumes, and give oral instruction, in the inductive way, by frequent repetition of the principles of syntax and the materials of a vocabulary. Thus he becomes a living grammar and dictionary, and the learner may find it less irksome to take the words from his mouth, than to hunt for them in a book. But the necessity of committing these words and rules to memory, though thus disguised, cannot be obviated; and to effect this, nothing but patient, solitary study will suffice. The volume before us, which is of very respectable dimensions, contains a vast collection of well arranged exercises in French, which instructers may find very useful, whether they adopt Mr. Manesca's method, or prefer to follow their own.

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9. — *Speeches and Forensic Arguments.* By DANIEL WEBSTER. Vol. III. Boston: Tappan & Dennet. 1843. 8vo. pp. 563.

WE notice this volume only to commend the judgment and enterprise of the publisher for bringing together, in a neat and convenient form, these addresses and arguments, which the inquirer would otherwise be obliged to search for among a multitude of newspapers and other fugitive publications. We say nothing of the subjects discussed or the principles defended in these speeches; for they lie out of our province, and every variety of opinion respecting them exists in the community at large. But there can be no difference of sentiment in regard to the surpassing ability with which this distinguished statesman supports his cause. His speeches are models of argumentative power and commanding eloquence, and they will be studied in future centuries with an interest not inferior to that with which the scholar of the present day contemplates the precious remains of Greek and Roman debate. They are rich sources of instruction, also, and the student of letters, of history, of finance, and of the theory of government, is no less interested than the active politician of the present day, in the preservation of them in a form adapted for future perusal and reference.

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10. — *Critical and Miscellaneous Essays.* By JAMES STEPHEN. Philadelphia: Carey & Hart. 1843. 12mo. pp. 413.

IT has become the fashion of late for the contributors to the periodical journals to collect their papers and publish them in a more permanent form. Several valuable additions have thus been made, within a few years, to the substantial literature of the times. Macaulay's Miscellanies furnish as attractive reading as any volumes that have appeared for a long time. Their nervous eloquence and varied learning, their rich and all-embracing illustrations, and the judicial fairness of their criticisms, place them justly among the best literature of the day. The same remark may be made of Carlyle's writings, — by those who like them. The present volume contains a series of valuable papers, from the Edinburgh Review. They are written with learning and ability; the author is thoroughly informed on all the subjects he handles; his style is correct, but is evidently formed upon the model of Macaulay's. Imitation of a very good thing is always very bad. Mr. Stephen has materially lessened the effect of his writing by an obvious straining after

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proportions that are too large for him. But we must award to him the praise of copious erudition, and justice in his literary judgments. He shows, also, great ability in the analysis of character, and the unfolding of motives. The article on Ignatius Loyola and his associates displays this quality very fully. The paper of the most general interest is that on the Port Royalists. The article on Whitfield and Froude will be read with pleasure in these days of Puseyism.

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## NOTE

### TO ARTICLE IX. OF NUMBER 120.

Mr. William Sturgis, of Boston, has published in one of the daily prints of the city a communication in reply to our article on "The Mutiny of the Somers." At his request, we copy from his remarks the following statement.

"Speaking of the decision of the *Court Martial*, the Reviewer says, 'by their final report Commander Mackenzie was *honorably acquitted* of all the charges and specifications preferred against him by the Secretary of the Navy;' the words *honorably acquitted* are given in italics, to mark the importance which the reviewer attaches to them, and he subsequently twice speaks of the *honorable* acquittal of Commander Mackenzie. The decision of the Court Martial, as officially given, was something very different from an *honorable* acquittal. It is given in the 'Madisonian' of April 13, upon each of the charges and specifications that it 'is not proven,' and 'the Court do therefore acquit Commander Alexander S. Mackenzie of all the charges and specifications preferred against him, by the Secretary of the Navy.' It is added, 'As these charges involved the life of the accused, and as the finding is in his favor, he is entitled to the benefit of it, as in the analogous case of a verdict of not guilty before a civil court, and there is no power which can constitutionally deprive him of that benefit. The finding, therefore, is simply *confirmed*, and carried into effect without any expression of approbation on the part of the President; no such expression being necessary.' In colder language an acquittal could hardly be expressed."

The report of the sentence of the Court Martial was copied in perfectly good faith into the Review from the "Boston Atlas" of April 12th, 1843, the only newspaper that was within reach, which contained a full account of the proceedings at the trial. It appears, that the 'Madisonian' gives a different version of the sentence, and although this paper has no claim to be considered as the *official* organ of the government, no newspaper being recognised as such in this country, we are satisfied that its version is the correct one, and are quite willing, therefore, to place it before our readers.

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